

Clayton County's Zoning Ordinance



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CLAYTON COUNTY ZONING ORDINANCE
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Basic Provisions

Article One – Basic Provisions

1.1 Title and Authority

- A. This document shall be formally known as the “Clayton County Zoning Ordinance” and it may also be cited and referred to as the “Zoning Ordinance” or "Ordinance."
- B. This Ordinance shall be for the purpose of promoting the public health, safety and general welfare of the community and all of its citizens.
- C. This Ordinance shall be under the authority of Official Code of Georgia Annotated, Title 36, Chapter 66, Zoning Procedures, and Title 36, Chapter 67, Zoning Proposal Review Procedures, and all acts amendatory thereto.

1.2 Defined Words & Construction

- A. The definitions contained in this Article shall be observed and applied in the interpretation of all other actions in this ordinance;
 - 1. Words used in the present tense shall include the future;
 - 2. Words used in the singular number shall include the plural and the plural the singular;
 - 3. Words used in the masculine gender shall include the feminine;
 - 4. The word “shall” is mandatory, not discretionary;
 - 5. The word “may” is permissive;
 - 6. The word “lot” shall include the words “tract” and “parcel;”
 - 7. The word “building” includes all other structures of every kind regardless of similarity to buildings;
 - 8. The phrase “used for” shall include the phrase “arranged for,” designed for,” intended for,” “maintained for,” and “occupied for;”
 - 9. The word “person” includes a corporation, firm, partnership or similar, as well as an individual;
 - 10. All measured distances shall be to the nearest whole foot;
 - 11. Parenthetical words or statements are integral parts of the definitions in which they are located;
 - 12. Any words not defined in Article 1.5 shall be construed in their generally accepted meanings as defined by standard dictionaries.
- B. The following rules of construction shall apply to this Ordinance:
 - 1. This document includes, but is not limited to the Clayton County Zoning Ordinance, the Clayton County Sign Ordinance, the Clayton County Telecommunications Ordinance, the Clayton County Tree Protection Ordinance, and the Clayton County Subdivision and Planned Unit Development (PUD) Regulations.

- C. The words generally used in this Ordinance are defined in Article 1.5, Definitions, and shall be viewed in that context.

1.3 Jurisdiction

This Ordinance shall apply to all land within the jurisdiction of unincorporated Clayton County, being all portions of the County not in the ownership of the municipal, state, or federal government and to any area for which the Clayton County Board of Commissioners has jurisdiction consistent with the provisions of Georgia law.

1.4 Purpose

This Ordinance is intended to guide the growth and development of Clayton County in accordance with the Clayton County Comprehensive Plan and for the following purposes:

- A. To secure adequate light, air, and convenience of access; and safety from fire, flood, and other dangers.
- B. To promote the public health, safety, comfort, convenience, morals and general welfare.
- C. To plan for the future development of the County to the end:
 - a. that the community grows only with adequate public ways, utilities, health, education, and recreation facilities,
 - b. that the needs of agriculture, industry, and business be recognized in future growth,
 - c. that residential areas provide healthful surroundings for family life,
 - d. that the growth of the community is commensurate with and promotes the efficient and economical use of public funds, and
 - e. that the community strives for high aesthetic value and quality planning and design.

1.5 Defined Words:

For the purpose of these regulations, certain words or terms used shall be defined as follows:

Abandonment: The relinquishment of property or a cessation of the use of the property for a continuous period of one (1) year by the owner with neither transferring rights to the property to another owner nor of resuming the use of the property.

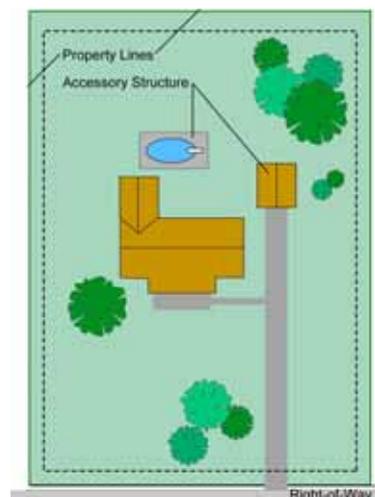
Accessory Dwelling: A dwelling unit, which is used for residential occupancy, created within an existing single-family home or on the same lot. It is an independent unit, but it may share an entrance, yard and parking with the principal unit.

Accessory Equipment: Any equipment serving or being used in conjunction with a Telecommunications Facility or Support Structure. This equipment includes, but is not limited to, utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or other structures.

Accessory Structure: A structure which is subordinate to a primary structure in area, intent, and/or purpose; contributes to the comfort, convenience, or necessity of occupants of the primary building, structure, or principal use, and does not alter or change the character of the premises; is located on the same lot as the primary building, structure, or use.

Adult Day Care Facility: Adult day care facilities shall include any building or portion thereof used to house six (6) or more adults requiring care, maintenance, and supervision for part of the a day.

Administrative Approval: Zoning approval that the Zoning Administrator is authorized to grant after an



- internal review of submitted document, site plan, or application.
- Administrator:** The individual or group responsible for the implementation and enforcement of the Ordinance. The Zoning Administrator, or his/ her designee, shall be the administrator for the Zoning Ordinance, Tree Protection Ordinance, and Subdivision Regulations.
- Agriculture:** The use of land for the purpose of farming, dairying, pasturage or livestock yard, apiculture, horticulture, floriculture, viticulture, forestry and animal and poultry husbandry, and the necessary accessory uses. The operation of any accessory uses shall be secondary to that of the normal agricultural activities. Agriculture shall not include stock yards, or the commercial feeding of garbage or offal to swine or other animals.
- Alley:** A street which affords only secondary means of access to abutting property, and not intended for general traffic.
- Alteration:** A change in size, shape, character, occupancy or use of a building or structure.
- Alteration, Structural:** Any change in the supporting elements of a building such as bearing walls, columns, beams or girders.
- Airport:** An area of land which is designed, used or intended to be used for landing and takeoff of aircraft and any appurtenant areas, including buildings and other facilities such as refueling, parking, maintenance and repair facilities. The term "airport" applies to all such facilities, whether the facility is public or private.
- Amend or Amendment:** Any repeal, modification, or addition to a regulation; or any new regulation.
- Animal Hospital:** A building or portion thereof designed or used for the care, observation or treatment of domestic animals.
- Antenna:** Any structure or device used to collect or radiate electromagnetic waves for the provision of cellular, paging, personal communications services and microwave communications. Such structures and devices include, but are not limited to, directional antennas, such a panels, microwave dishes and satellite dishes, and omni-directional antennas, such as whips.
- Antenna Array:** One or more rods, panels, discs, or similar devices used for the transmission or reception of radio frequency signals, which may include directional antenna (rod), directional antenna (panel), and parabolic antenna (disc). This does not include the support structure.
- Apartment:** One (1) or more rooms in an apartment building, with private bath and kitchen facilities or combination living space and commercial building, arranged, intended, designed, or occupied on a rental basis as a dwelling unit for a single family, an individual, or a group of individuals.
- Apartment Building:** A multi-family housing structure designed and constructed to accommodate three (3) or more dwelling units with independent cooking and bathroom facilities.
- Appeal:** The process by which an aggrieved party may petition for review of a decision made by an official or department of county government.
- Applicant:** The owner, owners, or legal representative of real estate who makes application to Clayton County for action affecting the real estate owned thereby.
- Application:** The application for and all accompanying documents and exhibits required of a petitioner by an approving authority for a development review process.
- Arterial Street/Road:** See Street/Road, Major Arterial

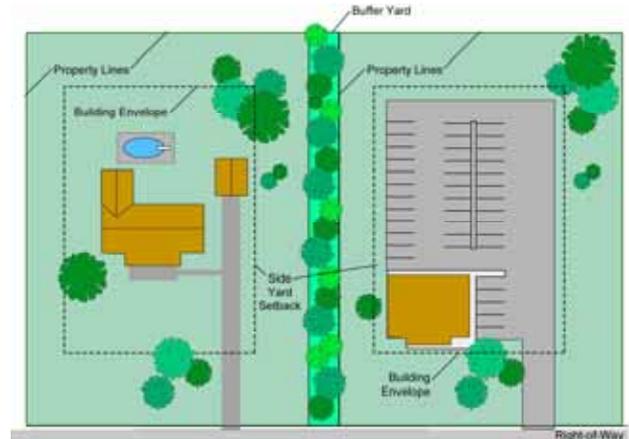
- As Built Plan:** A plan and supporting documentation which describes a particular site after construction has been completed. This plan should indicate all structures, hard surface features, utilities, landscaping areas, tree preservation zones and tree replacement areas.
- Assisted Living Facility:** A state licensed use in which domiciliary care is provided to adults who are provided with food, shelter and personal services within independent living units which include kitchen facilities in which residents have the option of preparing and serving some or all of their own meals. This use shall not include hospitals, convalescent centers, nursing homes, hospices, clinics, or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.
- Attached Building:** A building that is structurally connected to another building by a foundation, wall, or roof line. Carports, garages, porch awnings and the like shall be considered attached buildings.
- Attached Wireless Communication Facility:** An antenna array that is attached to an existing structure. These structures include, but are not limited to, utility poles, signs, water towers, rooftops, equipment facilities, and towers with any accompanying pole or device which attaches the antenna array to the existing building or structure and associated connection cables.
- Automobile Repair, Major:** A business where engine rebuilding or major reconditioning of worn or damaged motor vehicles or trailers; collision service, including body, frame, or fender straightening or repair; and overall painting of vehicles is performed.
- Automobile Repair, Minor:** A business that conducts repairs other than major repair including engine tune-up, muffler shops, shock absorber replacement shops, undercoating shops and tire stores.
- Automobile:** A self-propelled, free-moving vehicle with four wheels, usually used to transport not more than six passengers and licensed by the appropriate state agency as a passenger vehicle.
- Automobile Wash:** Any building or premises or portions thereof used for washing automobiles. The facility for washing automobiles may be self- service, semi-automatic, or automatic application of cleaner, brushes, rinse water, and heat for drying.
- Automobile Sales:** The use of any building, land area, or other premise for the display and sale of new or used automobiles, generally, but may include light trucks or vans, trailers, or recreational vehicles and including any vehicle preparation or repair work conducted as an accessory use.
- Automobile Service Station:** Any building, land area, or other premise, or portion thereof, used for the retail dispensing or sales of vehicular fuels; servicing and repair of automobiles, and including as an accessory use the sale and installation of lubricants, tires, batteries, and similar vehicle accessories.
- Awning:** A roof-like cover that projects from the wall of a building for the purpose of shielding a doorway, or window from the elements. Awnings are often made of fabric or flexible plastic supported by a rigid frame, and may be retracted into the face of the building.
- Basal Area:** The cross-sectional area expressed in square inches, of a tree trunk at diameter breast height expressed herein in terms of "units" per acre.
- Basement:** A story partly underground but having more than one-half of its clear height below finished grade.
- Bed and Breakfast Facility:** An individual owner occupied residence containing no more than six (6) guest rooms for hire, for lodging by prearrangement for periods not to exceed three

(3) consecutive weeks and providing for occasional meals daily (usually breakfast) and not a hotel, boarding, lodging house, or motel.

- Berm:** A man-made, formed, earth mound of definite height and width used for landscaping and obscuring purposes.
- Best Management Practices (BMPs):** A collection of structural measures and vegetative practices which, when properly designed, installed and maintained, will provide effective erosion and sedimentation control. The term "properly designed" means designed in accordance with the hydraulic design specifications contained in the "*Manual for Erosion and Sediment Control in Georgia*" specified in O.C.G.A. § 12-7-6(b).
- Billboard Sign:** A sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premise on which the sign is located and is the principal use on a property where no other principal use is located, but does not include a Groundsheet Sign as defined herein. Signs shall not exceed 70 feet in height nor be less than 25 feet above ground level and the sign faces shall not exceed 672 square feet or 48 feet in length, width, or height, nor be less than 300 square feet
- Block:** Property abutting on one side of a street and lying between the two (2) nearest intersecting or intercepting streets, intersecting railroad, intersecting waterway, or the end of a dead end street.
- Board of Commissioners:** The elected governing body of Clayton County, Georgia.
- Board of Zoning Appeals:** The Clayton County Board of Appeals as established in Article 10 of this Ordinance.
- Boarding House:** A dwelling other than a hotel where, for compensation and by prearrangement for a definite period, where meals and/ or lodging are provided for four (4) or more persons.
- Bona Fide Agricultural Purpose:** a good faith commercial or domestic agricultural use of the land, any such determination of which shall be based upon, but not limited solely to, the following factors: 1.) the length of time the land will be so utilized; 2.) the productivity of land in its present use; 3.) the relationship of the property to the comprehensive zoning plan; and 4.) the current zoning classification of such lands as delineated on the official zoning map.
- Bond:** See Surety
- Buffer, Conservation:** Any land in permanent vegetation, designed to intercept pollutants, stabilize stream banks and other riparian areas and manage other environmental concerns. Conservation buffers include: riparian buffers, filter strips, grassed waterways, shelter belts, windbreaks, living snow fences, contour grass strips, cross-wind trap strips, shallow water areas for wildlife, field borders, herbaceous wind barriers, and vegetative barriers.
- Buffer Landscaping:** Any trees, shrubs, walls, fences, berms, space, or related landscaping features required by Ordinance on private lots, and privately maintained, for buffering lots from adjacent properties or public rights-of-way for the purpose of increasing visual or other aspects of privacy and aesthetics.
- Buffer Yards:** An area adjacent to front, side and rear property lines, measured perpendicularly from adjacent property lines and/or right-of-way lines, intended to provide attractive spaces to reduce the impacts of proposed uses on adjacent property or natural features and to screen incompatible uses from each other. Buffers also help to maintain existing trees or natural vegetation, to block or reduce noise, glare or

other emissions and to maintain privacy. Buffer yards are in addition to, but separate from, the front, rear, or side yard setbacks.

- Building:** A structure having a roof, supported by columns or walls, and intended for the shelter, housings, or enclosure of an individual, animal; process, equipment, goods, or materials of any kind.
- Building Area:** The horizontal area of the buildings on a lot, measured from the outside exterior walls, excluding open areas or terraces, unenclosed porches or decks, and architectural features that project less than two feet.
- Building, Detached:** A building surrounded by open space on the same lot.
- Building Code:** The International Building Code pursuant to O.C.G.A. §8-2-20.
- Building Envelope:** The three-dimensional space within which a structure is permitted to be built on a lot and that is defined by the maximum height regulations, minimum yard setbacks, and buffers when applicable.
- Building Height:** See Structure Height
- Building Inspector:** The person or persons charged with the responsibility of issuing building permits, inspecting buildings, and issuing certificates of occupancy. This person is certified by the State or the International Code Council (ICC) in one or more disciplines; a residential or commercial building inspector, a plumbing, electrical or mechanical inspector or other specialty to inspect structures at different stages of completion.
- Building Permit:** A permit allowing a person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure or before starting any construction, excavation, or work within a subdivision within its jurisdiction, or the pursuit of changes to the condition of land.
- Building, Principal:** A building or structure in which is conducted the predominant use of the lot, on which it is located.
- Building, Residential:** A building which is arranged, designed, used, or intended to be used for residential occupancy by one or more families or lodgers and which includes, but is not limited to the following types:
- A. single-family detached dwellings;
 - B. two-family dwellings;
 - C. single-family or two-family attached and semi-detached dwellings developed initially under single ownership or unified control;
 - D. multiple-family dwellings.
- Building Sign:** A sign that in any manner is fastened to, projects from, or is placed or painted upon the exterior wall, window, door, or roof of a building. A building sign does not include a Groundsheet Sign as defined within Article 7.
- Business:** The engaging in the purchase, sale, barter, or exchange of goods, wares, merchandise, or services; an occupation, employment, or enterprise which



occupies time, attention, labor, and materials; or the maintenance or operation of offices, recreational, or amusement enterprises.

- Business District:** Refers to the Office Institutional (OI), Neighborhood Business (NB), Community Business (CB), and General Business Districts (GB).
- Caliper:** the diameter or thickness of the trunk of a young tree or sapling as measured at six inches above the top of the root mass. This measurement is used for nursery-grown trees having a diameter of less than six inches.
- Campground and RV Park:** Any site, lot, field, or tract of land designed with facilities for short term occupancy by recreational vehicles and other camping equipment but not including mobile homes.
- Canopy:** A permanent roof-like structure projecting from a building and open on at least one side for the purpose of shielding a pedestrian walkway from the elements, or a freestanding roof-like structure supported by columns intended to shield a vehicular driveway or service area from the elements.
- Capacity, Roadway:** The maximum hourly rate at which vehicles can reasonably be expected to traverse a point or uniform section of a lane or roadway during a given time period under the prevailing roadway, traffic, and control conditions. See Level of Service.
- Capital Improvement Plan:** A proposed schedule of future projects listed in order of construction priority together with cost estimates and the anticipated means of financing each project.
- Carport:** An open-sided roofed automobile shelter, formed by extension of the roof from the side of a building.
- Cemetery:** Property used for the interring of the dead. Includes any crematory, mausoleum, or mortuary operated in conjunction with and on the same tract as the cemetery.
- Certificate of Occupancy:** A certificate stating that the occupancy and use of a structure complies with the provisions of the Clayton County Building Code and all other applicable regulations of Clayton County.
- Changeable Copy Sign, Automatic:** A sign on which the copy changes automatically on a lamp bank or through mechanical means, e.g., electrical or electronic time and temperature units.
- Changeable Copy Sign, Manual:** A sign on which copy is changed manually in the field, e.g., reader boards with changeable letters.
- Channeled Letters, Internal:** Letters or other symbols with recessed surface designed to accommodate incandescent bulbs or luminous tubing.
- Channeled Letters, Reversible:** Letters or other symbols with raised surface designed to be lighted from behind by incandescent bulbs or luminous tubing.
- Clearing:** the removal of vegetation from a property by any means.
- Cluster:** A development design technique that concentrates buildings on part of the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features.
- Clinic:** An establishment in which human patients are admitted for medical or dental study or treatment and in which the services of at least two physicians or dentists are provided.
- Club or Lodge, Private:** An association of persons, who are bona fide members paying annual dues, which owns, hires, or leases a building or portion thereof; the use of such premises being restricted to members and their guests. (The affairs and management of such "private club or lodge" are conducted by a board of directors, executive committee, or similar body chosen by the members.) It shall be permissible to serve food on

such premises. The sale of alcoholic beverages to members and their guests shall be permitted provided it is secondary and incidental to the promotion of some other common objective of the organization.

- Collector Road:** See Road, Collector.
- Co-location:** Use of a wireless communication facility or site by more than one wireless communication license holder for the placement of an antenna array on a tower structure.
- Commercial Vehicle:** Any motor vehicle licensed by the State as a commercial vehicle.
- Commission:** See Board of Commissioners.
- Common Area:** Those portions of a site and/or building(s) collectively owned or controlled.
- Community Development:** A department within Clayton County government that performs the administrative function for the Zoning Advisory Group, Board of Zoning Appeals and other functions as directed by the Board of Commissioners.
- Comprehensive Plan:** Refers to the Clayton County Comprehensive Plan. The plan includes goals, objectives and strategies for land use, growth management, transportation or thoroughfares, community facilities and services, environment concerns, infrastructure, aesthetics and identity, economic development, and parks and recreation. The plan was developed and adopted by the County pursuant to the Georgia Planning Act of 1989 and includes any part and/or policies separately adopted and any amendment to such plan and/or policies, or parts thereof.
- Comprehensive Transportation Plan:** The official plan adopted as part of the Clayton County Comprehensive Plan, as subsequently amended, which includes a street plan, sets forth the location, alignment, dimensions, identification, and classification of existing and proposed streets, and other thoroughfares. All proposed right-of-way widths, as shown on the Comprehensive Transportation Plan, whether actually acquired by the County or not, shall be used for the calculation and establishment of front property lines for the purpose of determining front yards and front setbacks except where the existing right-of-way is greater than the proposed right-of-way in which case the existing right-of-way shall be used. In no case shall there be any structures or signs located in the proposed right-of-way.
- Conditional Use:** A use that is designated by the Zoning Ordinance as being permitted in the district concerned if it meets special conditions, if found to be appropriate and upon application, is specifically authorized by the Board of Commissioners.
- Condition of Approval:** Stipulations or provisions that are provided above and beyond the minimum requirements that are set forth as a prerequisite for the approval of an application.
- Condominium:** Real estate lawfully subject to the Georgia Condominium Act, O.C.G.A. 44-30-70 et. seq. by the recordation of condominium instruments, in which undivided interests in the common areas and facilities are vested in the condominium unit owners.
- Confined (or Concentrated) Animal Feeding Operation (CAFO):** A facility where livestock or poultry are fed in confinement for at least 45 days per year and crop or forage growth is not maintained in the area of confinement. If at any time during the period of animal confinement, through a combination of grazing, trampling or manure deposition no vegetative cover is evident in the confined area, this would constitute a lack of maintenance of crop or forage growth.
- Conforming Building or Structure:** Any building or structure that complies with all the regulations of

this Ordinance or of any amendment hereto governing the zoning district in which building or structure is located; and is designed or intended for a conforming use.

Concealed Support Structure: Any freestanding structure constructed for the primary purpose of supporting one or more antennae but designed to resemble an architectural or natural feature of the specific environment, concealing or camouflaging the presence of the antennae. The term includes but is not limited to clock towers, water towers, silos, light poles, flagpoles, and artificial trees.

Construction Plan(s): The maps or drawings showing the specific location and design of improvements to be built in accordance with the applicable requirements of Clayton County.

Controlled Access Highway: A traffic-way, including freeways, expressways, and other arterial streets, in respect to which owners or occupants of abutting property or lands and other persons have no legal right of access to or from the same, except at such points only and in such manner as may be determined by the public authority having jurisdiction over such traffic way.

Convalescent Center See Nursing Home

Court: An open unoccupied space bounded on two or more sides by the exterior walls of a building or exterior walls and lot lines.

County Arborist: The person appointed by the County Commission to administer the Tree Protection Ordinance (this Article). Person should be versed in the art of arboriculture, including tree surgery, the prevention and cure of tree diseases and the control of insect pests.

County Street: For the purpose of this ordinance only, a county street is a street which is owned and/or maintained by Clayton County. Nothing herein shall be construed to designate any street as a county street for other than zoning purposes.

Covenants: Private and legal restrictions of various kinds on the usage of lots, typically within a subdivision and applied by the sub-divider and/ or developer, that are recorded with the plat and deed.

Critical Establishment Period: The first two years after a tree is planted.

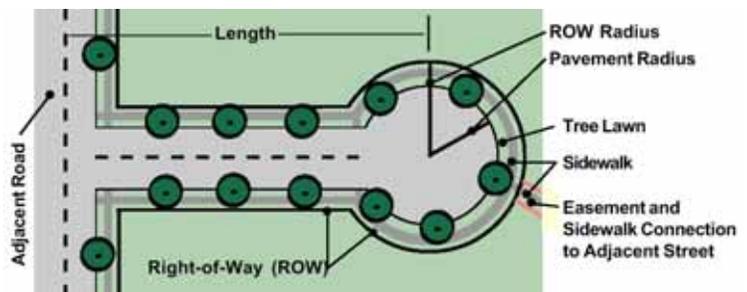
Critical Root Zone (CRZ): The minimum area beneath a tree which must be left undisturbed in order to preserve a sufficient root mass to give a tree a reasonable chance of survival. The critical root zone will typically be represented by a concentric circle centering on the tree's trunk with a radius equal in feet to one and three-tenths (1.3) times the number of inches of the trunk diameter.

Cross Dock: Any structure designed for the immediate transfer of material from one vehicle to another. A cross dock structure has no area designed for long term storage of materials.

Cul-de-Sac: The turnaround at the end of a dead-end street.

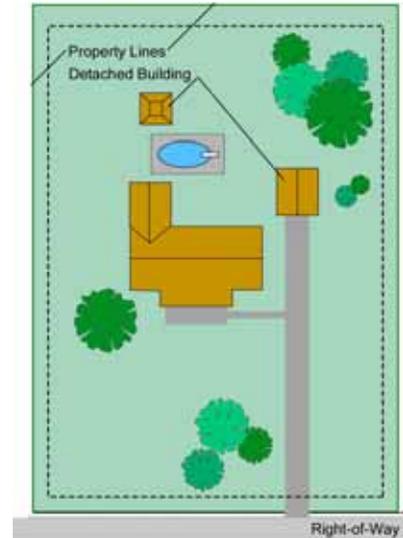
Curb Level: The level of the established curb in front of such building measured at the center of such front.

Where no curb level been established, the pavement elevation at the street



center line similarly measured, or the mean elevation of the finished lot grade immediately adjacent to a building shall be considered the “curb level.”

- Cutting:** the detaching or separating of any limb, branch, or root from a tree; for the purpose of erosion control, the removal of any soil or other solid material from a natural ground surface.
- Day Care Center:** As defined by Rules and Regulations of the Georgia Department of Human Resources and for the purposes of the Zoning Ordinance, any place operated by a person, society, cooperation, institution, or group wherein are received for pay for group care, for fewer than 24 hours per day without transfer of legal custody, having nineteen (19) or more children under eighteen (18) years of age, and which is required to be licensed by both Clayton County and the Georgia Department of Human Resources.
- Dead Tree:** A tree that does not contain any live tissue, i.e., green leaves or live limbs.
- Decorative Wall:** A masonry wall consisting of brick, stone or similar materials as approved by the Zoning Administrator and constructed with a design that includes specific pattern elements or ornamentation.
- Deciduous:** A plant with foliage that drops or dies at the end of a growing season.
- Dedication:** The setting apart of land or interests in land for use that is accepted by the County by Code, resolution, or the recording of a plat.
- Density Factor:** A unit of measure used to prescribe the calculated tree coverage of a site.
- Detached Building:** A building that has no structural connection with the principal building.
- Developer:** An individual, partnership, corporation (or agent thereof), or other entity that undertakes the responsibility for land development, particularly the designing of a subdivision plat or site development plan showing the layout of the land and the public improvements involved therein. In as much as the subdivision plat is merely a necessary means to the end of assuring a satisfactory development, the term “developer” is intended to include the term “sub-divider,” even though the personnel involved in successive stages of the project may differ.
- Development:** Any man-made change to improved or unimproved real estate including but not limited to:
- A. construction, reconstruction, or placement of a structure or any addition to a structure;
 - B. installing a manufactured home on a site, preparing a site for a manufactured home;
 - C. installing utilities, erection of walls and fences, construction of roads, or similar projects;
 - D. construction of flood control structures such as levees, dikes, dams, channel improvements, etc.;
 - E. mining, dredging, filling, grading, excavation, or drilling operations;
 - F. construction and/or reconstruction of bridges or culverts;



- G. storage of materials or vehicles; or
- H. any other activity that might change the direction, height, or velocity of flood or surface waters.

“Development” does not include activities such as the maintenance of existing buildings and facilities such as painting, re-roofing; resurfacing roads, gardening, plowing, and similar agricultural practices.

Development Plan: A plan and supporting documentation which describes a particular site which is to be disturbed or developed. This plan should indicate all structures, hard surface features, utilities, landscaping areas, tree preservation zones and tree replacement areas.

Diameter Breast Height (DBH): The standard measure of tree size for trees six inches or greater in caliper existing on a site. The tree trunk is measured at a height of four and one-half feet above the ground, and if a tree splits into multiple trunks below that point, the trunk is measured at its most narrow point beneath the split.

Diameter Tree: The diameter of a tree measured as follows:

1. for existing preserved trees, at a point four and one-half feet above the ground;
2. for new replaced trees, at a point six inches above ground; and
3. for multiple trunk trees, as provided in the measure of diameter at breast height.

Director: The Director of the County's Transportation and Development Department.

Distribution Center: An establishment engaged in the receipt, storage, and distribution of goods, products, cargo, and materials, including transshipment by boat, rail, air, or motor vehicle.

District: A section of Clayton County for which uniform zoning regulations governing use, height, area, size, intensity of use of buildings and land, and open spaces about buildings, are established by the Zoning Ordinance.

Domestic Pets: Animals commonly used as household pets, protection, companions, and for the assistance of disabled persons. Domestic pets shall include, but not be limited to, dogs, cats, parakeets, parrots, finches, spiders, guinea pigs, hamsters, gerbils, rats, mice, rabbits, and aquarium fish.

Double Faced Sign: A sign structure with two sign faces that are parallel (back-to-back) or that form an angle to one another, where each sign face is designed to be seen from a different direction and the two sign faces are separated from each other at their nearest point by no more than three feet.

Drainage Easement: A grant by a property owner to specific persons, the general public, corporations, utilities, or others, for the purpose of transporting stormwater.

Drip Line: a vertical line extending from the outermost branches of a tree to the ground.

Ds1: disturbed area stabilization with mulch only per “The Manual for Erosion & Sediment Control in Georgia”

Ds2: disturbed area stabilization with temporary vegetation per “The Manual for Erosion & Sediment Control in Georgia”

Ds3: disturbed area stabilization with permanent vegetation per “The Manual for Erosion & Sediment Control in Georgia.”

Drive, Private: See Road, Private

Drive-in Establishment: An establishment which offers merchandise, service, or entertainment to persons

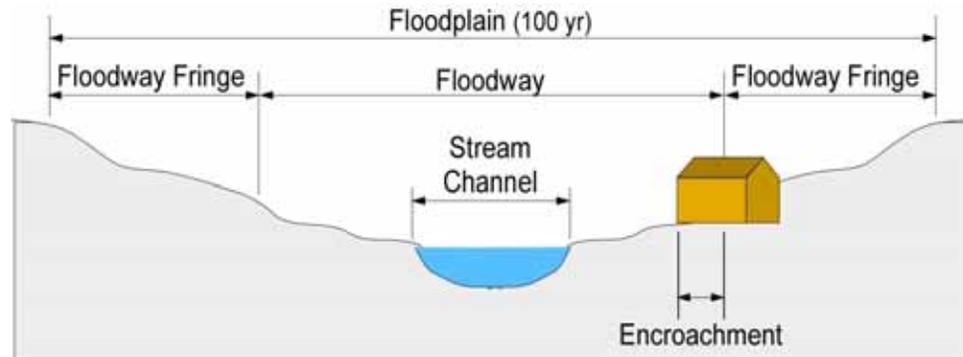
in motor vehicles.

- Drive In Restaurant:** Any place or premises used for sale, dispensing or service of food, refreshment or beverages in automobiles, including those establishments where customers may eat or drink the food or beverage on the premises.
- Driveway:** An access-way connecting one or more dwelling units and/or their parking spaces with a street.
- Duplex:** See Dwelling, Two-Family
- Dwelling:** A building or structure or portion thereof, conforming to all requirements applicable to the residential use districts of the Zoning Ordinance and Clayton County Building Code or Georgia Building Code used exclusively for residential occupancy, including single-family dwelling units, two-family dwelling units, and multi-family dwelling units, but excluding hotels, boarding houses, and lodging houses.
- Dwelling Site:** A site within a manufactured home park and/or mobile home park with required improvements and utilities that is leased for the long term placement of manufactured homes and/or mobile homes.
- Dwelling Unit:** Any structure or portion thereof designed for or used for residential purposes as a self sufficient or individual unit by one (1) family and having permanently installed sleeping, cooking, and sanitary facilities.
- Dwelling, Manufactured Home Type I (Double-Wide):** A dwelling unit built in a factory bearing a seal of compliance with Federal Manufactured Housing Construction and Safety Standards (42 U.S.C.A. 5401 et seq.) which is at least twenty-three (23) feet in width for its entire length, has at least nine-hundred fifty (950) square feet of occupied space, and is installed and anchored on a permanent foundation and perimeter wall, according to the Georgia Manufactured Housing Code, as amended, and its pitched roof and siding are of materials customarily used for site constructed dwellings.
- Dwelling, Manufactured Home Type II (Single-Wide):** A dwelling unit built in a factory bearing a seal of compliance with Federal Manufactured Housing Construction and Safety Standards which has no less than six hundred (600) heated square feet, a minimum dimension of 12 feet by 50 feet (12' x 50'), and is installed and anchored on a permanent foundation and perimeter wall, according to the Georgia Manufactured Housing Code, as amended, and its pitched roof and siding are of materials customarily used for site constructed dwellings.
- Dwelling, Mobile Home:** A transportable dwelling unit manufactured prior to June 15, 1976 and not subject to the Federal Manufactured Housing Construction and Safety Standards 42 U.S.C.A. 5401 et seq.
- Dwelling, Multi-Family:** A residential building designed for or occupied by three (3) or more families, with the number of families in residence not exceeding the number of dwelling units provided.
- Dwelling, Single-Family:** A detached residential dwelling unit designed for and occupied by one (1) family.
- Dwelling, Two-Family:** A residential building containing two (2) dwelling units designed for occupancy by not more than two (2) families.
- Easement:** A grant by a property owner to specific persons, the general public, corporations, utilities, governments, or others, for a specified purpose.

- Efficiency Unit:** A dwelling unit consisting of one principle room exclusive of bathroom, hallway, closets, or kitchen and dining alcove directly off the principal room.
- Entrance Sign:** A permanent freestanding sign located at a discernible entrance into a multi-family development; or at a discernible entrance into a development containing more than one principal building, such as a business center or office park; or into a development containing multiple lots, such as a particular residential, office, commercial or industrial subdivision.
- Erosion:** The process by which land surface is worn away by the action of wind, water, ice, or gravity.
- Establishment:** An economic unit, generally, at a single physical location, where business is conducted or services or industrial operation performed.
- Estate Residential:** Residential zoning district provided in Article 3.
- Expressway:** See Road/Street, expressway.
- Externally Illuminate Sign:** Any sign that is partially or completely illuminated at any time by an artificial light source that directly or indirectly illuminates the face of the sign from outside the sign structure.
- Evergreen:** A plant with foliage that remains green year-round.
- Façade:** The exposed exterior walls of any structure.
- Family:** An individual, or two or more persons if related by blood, marriage, adoption or guardianship and not more than four unrelated persons, occupying a single dwelling unit and using the same cooking facilities.
- Family Day Care Home:** A Home Occupation, type I, in which shelter, care, and supervision are provided for fewer than twenty-four (24) hours per day, without transfer of legal custody, having no more than six (6) children under eighteen (18) years of age who are not related to such persons and whose parent or guardians are not residents In the same private residence. All family day care homes shall meet the requirements of the adopted International Residential Building Code.
- Farm:** An area of at least three (3) acres used for agricultural operations, forestry, the operating of a tree or plant nursery, or the production of livestock and poultry as well as those properties classified by the Internal Revenue Service as a farm.
- Farm Animals:** Animals commonly used for transportation, food, skins, and other by-products. Farm animals include, but are not limited to, horses, cattle, pigs, sheep, goats, mules, donkeys, miniature horses, miniature donkeys, camels, emu, ostrich, llamas, alpacas, rabbits, mink, fox, buffalo, chickens, turkeys, quail, pheasants, and other animals or fowl of similar characteristics.
- Feedlots:** A lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising, or holding of animals, including livestock and fowl, and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. Open lots used for the feeding and rearing of poultry (poultry ranges) shall be considered animal feedlots.
- Fence, Chain-Link:** A fence constructed of galvanized steel or similar materials as approved by the Building Inspector for the purpose of enclosing or securing an area. Chain-link fences shall not include wire fences or fences of similar construction.
- Fence, Decorative Wall:** A masonry wall consisting of brick, stone, or similar materials as approved by

- the Zoning Administrator and constructed with a design that includes specific pattern elements or ornamentation.
- Fence, Industrial:** A chain-link or ornamental fence constructed of materials approved by the Building Inspector for the purpose of enclosing or securing an industrial use.
- Fence, Living:** A continuous hedgerow of living plant material planted and maintained for the purpose of enclosing an area.
- Fence, Obscuring Wall:** A masonry wall consisting of brick, stone, or similar materials as approved by the Zoning Administrator and constructed for the purpose of enclosing, obscuring or screening an area from view.
- Fence, Ornamental:** A fence consisting of wrought iron, galvanized steel, aluminum, vinyl, wood or similar materials fabricated into a design with specific pattern elements or ornamentation. Columns, or support structures may consist of brick, stone or stucco that is architecturally consistent with the primary structure. All spaces in the fence shall be open and unobstructed and the fence shall not block vision to an extent greater than 40 percent. Ornamental fences shall not include chain-link or wire fences or fences of similar construction.
- Fence, Privacy:** A fence constructed of wood, vinyl or similar materials that blocks vision to an extent greater than 40 percent for the purpose of obscuring or screening an area from public view.
- Fence, Rail:** A fence constructed of wood, vinyl or similar materials and consisting of one to four horizontal rails connecting to vertical posts spaced a minimum of six feet apart. All spaces in such fences shall be open and unobstructed and such fences shall not block vision to an extent greater than 40 percent.
- Fence, Temporary:** A fence constructed of canvas, plastic, chain-link, wood or similar material as approved by the Zoning Administrator for the purpose of enclosing or securing an area for a limited period of time.
- Festoons:** Strings of ribbons, tinsel, small flags, pennants, streamers, pinwheels, or other devices or long narrow strips of fabric, plastic, or other pliable material designed to move in the wind.
- Final Plat:** The final map, drawing or chart upon which the sub-divider's as-built plan of subdivision is presented, and which, if approved, will be submitted for recording among the land records for Clayton County.
- Final Stabilization:** All land disturbing activities at a site have been completed and that for unpaved areas and areas not covered by permanent structures, one hundred (100) percent of the soil surface is uniformly covered in permanent vegetation with a density of seventy (70) percent or greater, or equivalent permanent stabilization measures such as the use of rip rap, gabions, permanent mulches or geo-textiles, have been used. For the purposes of this definition, permanent vegetation shall consist of: planted trees, shrubs, perennial vines; a crop of perennial vegetation appropriate for the time of year and region; or a crop of annual vegetation and a seeding of target crop perennials appropriate for the region. Final stabilization applies to each phase of construction.
- Finished Floor Area:** See Floor Area, Finished
- Flood:** A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

Flood, Regulatory Base: Flood having a one (1) percent chance of being equaled or exceeded in any given year. This is often referred to as a one hundred year flood.



Floodplain: The relatively flat area or low land adjoining the channel of a river or stream which has been or may be covered by flood water. The flood plain includes the channel, floodway, and floodway fringe. Flood plain boundaries are to be determined by using the Floodway-Flood Boundary Maps of the Federal Insurance Administration/Federal Emergency Management Administration.

Floodway: The channel of a river or stream and those portions of the floodplains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flood flow of the regulatory flood of any river or stream.

Floodway Fringe: Those portions of the floodplain lying outside the floodway.

Flood Hazard Area: The floodplain consisting of the floodway and the floodway fringe area.

Flood Insurance Rate Map: The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and risk premium zones applicable to the community.

Floor Area (For determining floor area ratio): The sum of the gross horizontal areas of the several floors of the building enclosed by an exterior wall, excluding however, attic, and basement floors, open porches, breezeways, and garages.

Floor Area of a Building (For determining off-street parking and loading requirements): The sum of the gross horizontal areas of the several floors of the building, or portion thereof, devoted to a specific use; including accessory storage areas located within selling or working space such as counters, racks or closets; and any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices.

Floor Area, Finished: That portion of floor area constructed, completed, and usable for living purposes with normal living facilities which includes sleeping, dining, cooking, working, entertainment, common space living rooms, areas for personal hygiene, or combination thereof. Floor area or portion thereof used only for storage purposes and not equipped for the facilities mentioned above shall not be considered Finished Floor Area.

Floor Area, Ground: That portion of Finished Floor Area located on the first (or nearest ground level) floor of the dwelling unit. The Floor Area of a primary structure does not include a garage, carport, deck, unfinished storage, patio, or open porch.

Floor Area Ratio: The floor area of the building or buildings on a lot divided by the area of such lot.

Forestry: The science, business and art of creating, conserving and managing forests on a

continuous basis for both commodity and non-commodity purposes.

Foundation: The supporting member of a wall or structure.

Freeway: See Road/Street, freeway.

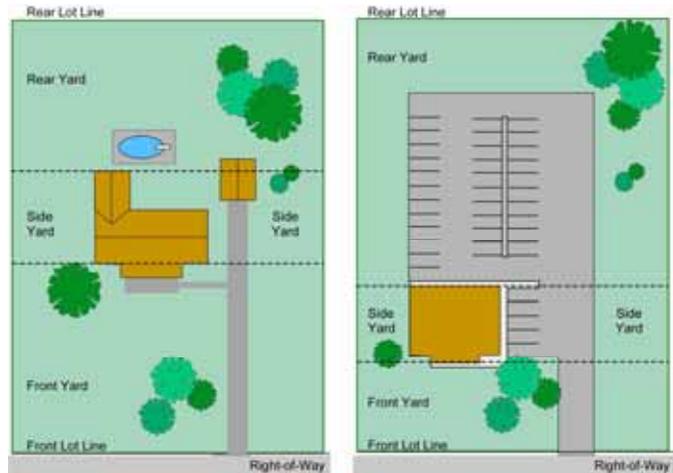
Freestanding Sign: A sign permanently attached to the ground and that is wholly independent of any building or other structure. The Freestanding sign does not include a Groundsheet as defined herein. The term "freestanding sign" includes but is not limited to the following:

1. Pole sign: A sign that is mounted on a freestanding pole, columns, or similar support such that the bottom of the sign face or lowest sign module is not in contact with the ground.

2. Ground sign: A freestanding sign in which the entire bottom of the sign face or structure is in contact with the ground, providing a solid and continuous background for the sign face from the ground to the top of the sign. Also referred to as a "monument sign".

Front Line: With respect to a building, the foundation line that is nearest the front lot line.

Front Lot line: For an interior or through lot, the line marking the boundary between the lot and the abutting street right-of-way or a lake or watercourse; and for a corner lot, the line marking the boundary between the lot and each of the abutting streets.



Front Yard: The horizontal space between the nearest foundation of a building to the front lot line, extending to the side lines of the lot, and measured as the shortest distance from that foundation to the front lot line.

Frontage: See Lot Frontage

Garage: A deck, building, or parking structure, or part thereof, used or intended to be used for the parking and storage of vehicles.

Garage, Community: A garage used exclusively for the parking and storage of vehicles owned or operated by residents of nearby dwelling units and their guests, which is not operated as a commercial enterprise and is not available to the general public and which is owned, leased, or cooperatively operated by such residents.

Garage, Municipal: A structure owned or operated by a municipality and used primarily for the parking and storing of vehicles owned by the general public.

Garage, Private Customer and Employee: A structure that is an accessory to a non-retail commercial or manufacturing establishment, building, or use and is primarily for the parking and storage of vehicles operated by the customers, visitors, and employees of such building and that is not available to the general public.

Garage, Private Residential: A structure that is accessory to a residential building and that is used for the

parking and storage of vehicles owned and operated by the residents thereof, and that is not a separate commercial enterprise available to the general public.

- Garage, Public:** A structure, or portion thereof, other than a private customer and employee garage or private residential garage, used primarily for the parking and storage of vehicles and available to the general public.
- Garage, Repair:** Any building, premises, or land in which or upon which a business, service, or industry involving the maintenance, servicing, repair, or painting of vehicles is conducted or rendered.
- Glare:** The effect produced by brightness sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.
- Government Projects:** Any building, structure, or alteration thereof paid for and used by the local, state or federal government entities.
- Grading:** Any land-disturbing activity, including clearing, grubbing, stripping, cutting, filling, stockpiling, or any combination thereof, and shall include the land in its cut or filled condition.
- Greenbelt:** An open area that may be cultivated or maintained in a natural state surrounding development or used as a buffer between land uses or to mark the edge of an urban or developed area.
- Green Space** See Open Space
- Greenspace Trust Board:** A citizen group appointed by the Board to oversee administration and management of the County Tree Fund and to assist the County Arborist in annually reviewing the Clayton County Tree Protection Ordinance.
- Ground Floor Area:** See Floor Area, Ground
- Groundsheet Sign:** A sign that is placed and affixed to either the ground or an approved support structure that is designed to be seen by aircraft passengers either landing or departing any airport facility. Said sign is not oriented to any ground transportation.
- Gross Site Area:** One or more parcels of land included in a single development plan, and preferably under common ownership, which constitute the entire area of the development shown on the site plan or subdivision plat. Gross site area shall include all land needed for required open space, buffer areas, landscaping, drainage facilities, parking, internal access roads or driveways, and other physical design features needed to serve the proposed development. The gross site area shall also include all land in floodplain, floodway, and dedicated easements or road right-of-way.
- Ground Cover:** Grasses or other plants grown to keep soil from being blown or washed away.
- Ground Coverage:** The area of a lot occupied by all buildings expressed as a percentage of the gross area of the lot.
- Group Day Care Home:** A Home Occupation, type II, wherein group care for not less than seven (7) nor more than eighteen (18) children under eighteen (18) years of age for less than twenty-four (24) hours without transfer of legal custody and which is required to be licensed by both Clayton County and the Georgia Department of Human Resources. All group day care homes shall meet the requirements of the adopted International Residential Building Code.
- Group Residence/Shelter:** A state licensed 24-hour residential facility functioning as a single housekeeping unit for the sheltered care of persons with special needs which, in

addition to providing food and shelter, may also provide some combination of personal care, social or counseling services and transportation. Bedroom suites shall not include kitchen facilities. For purposes of this ordinance, group residence/shelter shall not include those facilities which exclusively care for children under the age of 17.

- Group Residence for Children:** A dwelling unit or facility in which full time residential care is provided for children under the age of 17 as a single housekeeping unit. The group residence may provide food, shelter, combination of personal care, social or counseling services and transportation. Bedroom suites shall not include kitchen facilities. A group residence must comply with applicable federal, state and local licensing requirements.
- Hardship:** A proven difficulty with regard to one's ability to improve land stemming from the application of the development standards of the Zoning Ordinance, which may or may not be subject to relief by means of variance. In and of themselves, self-imposed situations and claims based on a perceived reduction of or restriction on economic gain shall not be considered hardships. Self-imposed situations include, but are not limited to: the purchase of land with actual or constructive knowledge that, for reasons other than physical characteristics of the property, the development standards herein will inhibit the desired improvement; any improvement initiated in violation of the standards of the Zoning Ordinance; any result of land division requiring variance from the development standards of this Ordinance in order to render that site buildable.
- Height:** See structure height.
- Helicopter:** Any rotor craft which depends principally for its support and motion in the air upon the lift generated by one or more power-driven rotors rotating on a substantially vertical axis.
- Helicopter Port:** A facility, either public or private, or an area of land, water, or structural surface which is designed, used or intended to be used for landing and takeoff of helicopters and any appurtenant areas, including buildings and other facilities such as refueling, parking, maintenance and repair facilities. The term "helicopter port" applies to all such facilities, whether the facility is public or private.
- Helicopter Stop:** A facility, either public or private, having a facility without the logistical support provided at a helicopter port at which helicopters land and take off, including the touchdown area. Helicopter stops may be at ground level or elevated on a structure. The term "helicopter stop" applies to all such minimum facilities, whether the facility is public or private.
- Historic Area:** A district or zone designated by a local authority or state or federal government within which the buildings, structures, appurtenances, and places are of basic and vital importance because of their association with history; or because of their unique architectural style and scale, including color, proportion, form, and architectural detail; or because of their being a part of or related to a square, park, or area the design or general arrangement of which should be preserved and/ or developed according to a fixed plan based on cultural, historical, or architectural purposes.
- Historic District:** See Historic Area
- Historic Preservation:** The protection, rehabilitation, and restoration of districts, sites, buildings, structures, and artifacts significant in history, architecture, archeology, or culture.
- Historic Site:** A structure or place of outstanding historical and cultural significance and

designated as such by the State or Federal Governments

- Home Occupation, Type 1:** A business based in the dwelling of its owner or operator as described within Article 6.10, Home Occupation Standards.
- Home Occupation, Type 2:** A business based in the dwelling of its owner or operator as described in Article 6.10, Home Occupation Standards
- Hospital:** An institution devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment, or care for three (3) or more unrelated individuals suffering from illness, disease, injury, deformity, or other abnormal physical conditions. The term “hospital” does not apply to institutions operating primarily for treatment of insane persons, drug addicts, alcoholics, and other types of cases necessitating restraint of patients, and the term “hospital” shall not include convalescent, nursing, shelter, or boarding homes.
- Hotel:** A building in which lodging or board and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to the public. Compensation is usually assessed on a day-to-day basis.
- Hotel, Extended Stay:** A hotel or motel offering individual rooms or suites containing a kitchen area with facilities where cooking is permitted.
- Impervious Surface:** Any material that prevents absorption of stormwater into the ground.
- Industrial District:** Refers to the LI, Light Industrial and HI, Heavy Industrial Zoning Districts.
- Industrial, General:** The assembly, fabrication or processing of goods and materials using processes that ordinarily have greater than minimal impacts on the environment, or that otherwise do not constitute light manufacturing, and which may include open uses and outdoor storage. General manufacturing generally includes processing and fabrication of products made from extracted or raw materials.
- Industrial, Heavy:** The assembly, fabrication or processing of goods and materials using processes that ordinarily create noise, smoke, fume, odors, glare or health or safety hazards outside of the building or lot where such assembly, fabrication, or processing of goods that may be stored outside of the building. Heavy manufacturing generally includes processing of rock, metals, energy, and chemicals.
- Industrial, Light:** The assembly, fabrication or processing of goods and materials using processes that ordinarily do not create noise, smoke, fume, odors, glare or health or safety hazards outside of the building or lot where such assembly, fabrication, or processing of goods are housed entirely within an enclosed building. Light manufacturing generally includes processing and fabrication of finished products predominantly from previously prepared materials.
- Industrial Waste:** Solid Waste generated by manufacturing or industrial processes or operations as defined in O.C.G.A. 12-8-22.
- Inoperable Vehicle:** Any motorized vehicle incapable of immediately being driven.
- Institutional Facility for the Developmentally Disabled/Mentally Ill:** A residential facility that provides care, supervision and protection and operates under a license issued under the Georgia Department of Human Resources; provides for delivery of mental health services that are appropriate to the needs of the individual; and, complies with the rules adopted by the Georgia Department of Human Resources.
- Interested Party:** Interested parties shall include, but are not limited to, those persons, groups,

property owners or other entities which are considered or consider themselves to be affected by a change in land use or the intended results of an application for a development permit.

- Internally Illuminate Sign:** Any sign that is illuminated by an artificial light source from within the sign structure, usually projected through a transparent or translucent sign face.
- Interior Lot:** See Lot, Interior
- Interstate:** See Limited Access Highway
- Junk:** An automobile, recreational vehicle, boat, truck, other motor vehicle, large appliances, furniture or like materials which has been damaged to such an extent that it cannot be operated under its own power or used and/or will require major repairs before being made usable.
- Junk Yard:** A place, usually outdoors, where waste or discarded property, other than organic matter, including but not limited to automobiles and farm implements and trucks, is accumulated and is or may be salvaged for reuse or resale; this shall not include any industrial scrap metal yard. The storage, dealing in or the permitting of the accumulation of significant quantities of combustible, organic or nonmetal scrap materials such as, but not limited to, wood, paper, rags, garbage, tires, bones and shattered glass on the premises of such an establishment will disqualify it from being classified as a scrap metal yard, and the same will be classified as a junk yard.
- Jurisdiction:** All land within the unincorporated limits of Clayton County, Georgia.
- Kennel:** A place primarily for keeping four (4) or more adult dogs, or other small animals that are ordinarily bred for sale as pets. This includes temporary care facility for compensation.
- Land Development Permit:** The authorization necessary to begin a land disturbing activity under the provisions of this ordinance. See also "site development permit."
- Land Disturbance Guidelines:** A document prepared by the Director of The Department of Transportation and Development, setting forth standards and specifications which shall apply to the physical improvements required to be provided and installed by a sub-divider in a subdivision, in accordance with this article. In keeping with sound professional and technical practices, the Director may, from time to time, amend such guidelines.
- Land Disturbing Activity:** any activity which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands within the state, including, but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land.
- Landscaping:** The improvement of a lot with grass, shrubs, trees, and other vegetation and/or ornamental objects. Landscaping may include pedestrian walks, flower beds, berms, fountains and other similar natural and man-made objects designed and arranged to produce an aesthetically pleasing effect.
- Large Maturing Tree:** A tree species that shall be a minimum of eight feet in height and have a caliper of at least two inches immediately after planting. These species shall have an average mature crown spread of at least twenty-five (25) feet and a height of thirty-five (35) feet when grown in Clayton County, Georgia.
- Legal nonconforming fence or wall:** A fence or wall which was legally erected or installed but is no longer in compliance with the provisions of this article. Such fences or walls must

be located outside of any existing right-of-way and wholly upon the parcel to which they are associated.

Letter of Map Amendment (LOMA): An amendment to the currently effective FEMA map that establishes that a property is not located in a Special Flood Hazard Area (SFHA). A LOMA is only issued by FEMA.

Letter of Map Revision (LOMR): An official revision to the currently effective FEMA map. It is issued by FEMA and changes flood zones, delineations, and elevations.

Level of Service (LOS): An established minimum capacity of public facilities or services that must be provided per unit of demand or other appropriate measure of need.

Limited Access Highway: Any roadway that operates at a high service level, consists of limited access, is divided, carries region-wide traffic and is generally classified as part of the interstate system.

Lighting, Canopy Structure: Any overhead protective structure providing outdoor illumination that is constructed in such a manner to allow pedestrian vehicles to pass under.

Lighting, Flood or Spot Light: Any light fixture or lamp that incorporates a reflector or refractor to concentrate the light output into a directed beam in a particular direction.

Lighting, Foot-candle: A unit of luminance, which is the quantity of light, or luminous flux, arriving at a surface divided by the area of the illuminated surface, amounting to one lumen per square foot.

Lighting, Light Fixture: The assembly that holds a lamp and may include an assembly housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and a refractor or lens. A light fixture also includes the assembly for luminous tube and fluorescent lighting.

Lighting, Light Pollution: Artificial light which causes a detrimental effect on the environment, enjoyment of the night sky or causes undesirable glare or unnecessary illumination of adjacent properties.

Lighting, Light Trespass: The shining of light produced by a luminaire beyond the boundaries of property in which it is located.

Lighting, Outdoor Fixtures: Outdoor artificial illuminating devices, outdoor fixtures, lamps and other similar devices, permanently installed or portable, used for flood lighting, general illumination or advertisement.

Lighting, Shielded Fixture: Outdoor light fixtures shielded or constructed so that light rays emitted by the fixture are projected below the horizontal plane passing through the lowest point on the fixture from which light is emitted, i.e. "shoe-box type" fixtures or mounted in a recessed fashion under a canopy or other structure such that the surrounding structure effectively shields the light in the same manner.

Local Street/Road: A road designed primarily to provide access to abutting properties and discourage through traffic.

Lost Tree: A tree subjected to unauthorized damage and/or tree removal despite designation in the development plan as a protected or preserved tree.

Lodging House: See Boarding House.

Loading Space, Off Street: Space logically and conveniently located for bulk pickups and deliveries, scaled to the size of delivery vehicles expected to be used.

Lot: A contiguous area of land separated from other areas of land by separate description (including a recorded deed, a subdivision plat or record of survey map, or by metes and bounds) for purpose of sale, lease, transfer of ownership or separate use.



Lot Coverage: The area of a zoning lot occupied by the principal building and any accessory structures.

Lot Depth: The horizontal distance between the front and rear lot lines.

Lot Frontage: All property of a lot fronting on a street right-of-way or common, private drive, as measured between side lot lines.

Lot of Record: A lot which was lawfully created and is a part of a subdivision recorded in the office of the Clerk of the Court, or a parcel or lot described by metes and bounds, and a description of which has been so recorded.

Lot Width: The distance as measured between the side lot lines at the front set back line.

Lot, Buildable: Any lot upon which a building or structure is allowed to be constructed and occupied by the regulations of Clayton County. Generally, the lot shall have frontage on and access to an improved street, meet minimal setbacks, and have all necessary utilities available.

Lot, Corner: A lot situated at the intersection of two (2) streets or which fronts a street on two (2) or more sides forming an interior angle of less than one-hundred thirty-five (135) degrees.

Lot, Developed or Improved: A lot with buildings or structures.

Lot, Interior: A lot other than a corner lot with only one frontage on a street other than an alley.

Lot, Through: A lot fronting on more than one street, other than an alley, or abutting more than one street which do not intersect at the boundaries of the lot. Also includes lots fronting on both a street and a watercourse or lake.

Lowest Floor: The lowest of the following: (1) the top of the basement floor; (2) the top of the garage floor, if the garage is the lowest level of the building; (3) the top of the first floor of buildings elevated on pilings or constructed on a crawl space with permanent openings; or (4) the top of the floor level of any enclosure below an elevated building where the walls of the enclosure provide any resistance to the flow of flood waters unless: the walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters, by providing a minimum of two openings (in addition to doorways and

windows) having a total area of one (1) square foot for every two (2) square feet of enclosed area subject to flooding. The bottom of all such openings shall be no higher than one (1) foot above grade; or such enclosed space shall be usable for the parking of vehicles and building access.

- Luminairic:** The complete lighting system including the lamp and light fixture.
- Luminaire, Cut Off Angle:** The angle, measured up from the nadir, between the vertical axis and the first line of sight at which the bare source is not visible.
- Luminaire, Fully Shielded:** A luminaire constructed or shielded in such a manner that all light emitted by the luminaire, either directly from the lamp or indirectly from the luminaire, is projected below the horizontal plane through the luminaire's lowest light emitting part as determined by photometric test or certified by the manufacturer.
- Luminous Tube Lighting:** Gas filled tubing which, when subjected to high voltage, becomes luminescent in a color characteristic of the particular gas used, e.g. neon, argon, etc.
- Major Plat:** The plat for a major subdivision.
- Major Subdivision:** See Subdivision, Major
- Maneuvering Space:** An open space in a parking area which is immediately adjacent to a parking space; is used for and/or is necessary for turning, backing or driving forward a motor vehicle into such parking space, but is not used for the parking of or storage of motor vehicles.
- Mansard:** A steeply sloped, roof-like facade architecturally similar to a building wall.
- Manufactured Home Park:** A parcel of land containing two (2) or more dwelling sites, with required improvements and utilities, that are leased for long term placement of Manufactured Home Dwellings, and shall include any street used or intended for use as part of the facilities of such Manufactured Home Park. A Manufactured Home Park does not involve sales of Manufactured Home Dwellings or Manufactured Home Dwellings in which unoccupied units are parked for inspection or sale.
- Manufactured Home:** Factory-built, single-family structures that meet the National Manufactured Home Construction and Safety Standards Act (42 U.S.C. Section 5401) that is commonly known as HUD (U.S. Department of Housing and Urban Development) code.
- Marker (survey):** A stake, pipe, rod, nail, or any other object which is not intended to be a permanent point for record purposes.
- Marquee:** A permanent roof-like structure or canopy of rigid materials supported by and extending from the facade of a building.
- Mature Tree:** An existing hardwood, pine or other valuable tree that is at least four inches in diameter as measured four feet above grade and has attained the capability of flowering and reproducing
- Menu Board:** A permanent, on-premise, changeable-copy type signs displayed for the purpose of giving information to those customers visiting a business establishment as to the selection of goods and services available at such establishments with respective price listing.
- Mini-warehouse:** A building or portion thereof used for dead storage, mainly of the excess personal property of an individual or family, but also of small amounts of goods or merchandise for businesses or individuals.
- Minor Plat:** The plat for a minor subdivision.

- Minor Subdivision:** See Subdivision, Minor
- Mobile Home:** See Dwelling, Mobile Home.
- Mobile Home Park:** See Manufactured Home Park.
- Modular Home:** See Manufactured Home.
- Monopole:** A single, freestanding pole-type structure supporting one or more telecommunications antenna.
- Monument (survey):** A permanent physical structure which marks the location of a corner or other survey point.
- Monument Sign:** See "ground sign" under Freestanding Sign.
- Motel:** An establishment consisting of a group of attached or detached living or sleeping accommodations with bathroom and closet space, located on a single zoning lot, and designed for use by transient automobile tourists. A motel furnishes customary services such as maid service and laundering of linen, telephone, secretarial, or desk service, and the use and upkeep of furniture.
- Motorized ATV/Off Road Vehicle or Motor Bikes:** A motorized vehicle whose primary purpose and design is for usage other than transportation and generally off improved road surfaces. Also maybe referred to as not being street legal. Vehicles whose design and use are for use on challenging terrain and/or contests of speed and skill in adverse conditions. Examples but limited to; Dune Buggies, Motor Cross Bikes, Off-road motorcycles, Quad-runners, Three Wheelers.
- Motor Home:** See Recreational Vehicle.
- Motor Vehicle:** Any passenger vehicle, truck, tractor, tractor-trailer, truck-trailer, trailer, or semi-trailer propelled or drawn by mechanical power.
- Mulch:** A layer of wood chips, pine straw, hay or other material placed on the surface of the soil around plants to retain moisture, prevent weeds from growing, hold soil in place and aid in plant growth.
- Multiple Faced Sign:** A single sign structure consisting of two sign faces (see double-faced sign) or three or more sign faces that are separated from each other at their nearest point by no more than three feet. Sign faces on a single sign structure that are separated by more than three feet are treated as separate signs.
- Multiple Family:** See Dwelling, Multiple Family.
- Municipal Solid Waste:** Any solid waste derived from households as defined in O.C.G.A. 12-8-22.
- Mural:** A wall sign denoting the name of the occupant in a residential unit or denoting only the name and profession of the occupants in a commercial, public, or other institutional building.
- Natural Area:** An area of natural vegetation that is generally undisturbed, un-maintained, and is self-perpetuating. It includes not only trees, but also native shrubs, ground covers, wildflowers, vines, and grasses.
- Net Usable:** That portion of land capable of being used after public right-of-way is excluded.
- New Manufactured Home Park or Subdivision:** Means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the Zoning Ordinance.

- Nonconforming Building:** A building, structure, or portion thereof, which was designed, erected, or structurally altered in accordance with the provisions of a current such that it does not conform to the regulations of the zoning district in which it is located.
- Nonconforming Lot of Record:** A lot that predates the zoning regulations and was created such that it does not conform to the regulations of the zoning district in which It is located.
- Nonconforming Sign:** A sign or portion thereof, which was designed, erected, or structurally altered such that it does not conform to the regulations of the zoning district in which it is located.
- Nonconforming Use:** A use of land, buildings, or structures which does not conform with the use regulations of the zoning district in which it is located.
- Noxious Matter or Materials:** Matter or materials that are capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the physical or economic well-being of individuals.
- Nursery school, kindergarten or day care center:** Any premises or portion thereof used for educational work or parental care of children of less than six years of age.
- Nursing Home:** A use in which domiciliary care is provided to 3 or more convalescing, chronically or terminally ill non-family members who are provided with food, shelter and care. This use shall not include hospitals, clinics or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured. Convalescent Center, nursing home and personal care home are further distinguished in administrative and conditional use provisions.
- Odorous Matter:** Matter or material that yields an odor which is offensive in any way.
- Office Park:** A development on a tract of land in single ownership that contains a number of separate office buildings, as well as accessory and supporting uses, that is designed, planned, constructed, and managed on an integrated and coordinated basis.
- Official Street Tree Planting Plan and Program:** A plan and program developed by the County Arborist and adopted by the Board for the planting of trees along public streets, parks and other public places.
- Official Zoning Map:** A map of Clayton County, Georgia, that legally denotes the boundaries of zoning districts as they apply to the properties within the planning jurisdiction.
- Off-site Improvements:** Any premises not located within the area of the property to be subdivided, whether or not in the same ownership of the applicant for subdivision approval, upon which is located improvements required by or related to the property to be subdivided.
- Open Sales Lot:** Land used or occupied for the purpose of buying or selling merchandise stored or displayed out-of-doors. (Such merchandise includes, but is not limited to, passenger cars, trucks, motor scooters, motorcycles, boats, and monuments).
- Open Space:** An area of land not covered by buildings, parking structures, or accessory uses except for recreational structures. Open space may include nature areas; streams and flood plains; meadows or open fields containing baseball, football, and soccer fields, golf courses, swimming pools, bicycle paths, etc. Open Space does not include street rights-of-way, platted lot area, private yard, patio areas, or land scheduled for future development.
- Outdoor Storage:** See Storage, Outdoor.

- Out Parcel:** A lot which either temporarily cannot be built upon or is not intended for development and is intended only for aesthetics, safety, common use, or the public good. Out parcels are normally owned in common by individuals, adjoining property owners, or homeowners associations.
- Overlay District:** See Overlay Zone
- Overlay Zone:** A zoning district that encompasses one or more underlying zones and that imposes additional requirements above that required by the underlying zoning district.
- Overstory Tree:** Trees which, at maturity, are generally greater than fifty feet at mature height comprise the canopy of a natural forest.
- Owner:** Any person, group, of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to the land.
- Parapet:** Any low guarding wall at any point of a sudden drop, such as at the end of a terrace, roof, or balcony.
- Parcel:** See Lot.
- Parking Space, Automobile:** Space within a public or private parking area for the storage of one (1) passenger automobile or commercial vehicle under a one and one-half (1-1/2) ton capacity.
- Particulate Matter:** Dust, smoke, or any other form of air-borne pollution in the form of minute separate particles.
- Paved:** A durable surface for parking, driving, riding or similar activities that utilizes asphalt, concrete, brick, paving blocks or similar material. Crushed gravel, stone, rock, or dirt, sand or grass are not permitted as a paved surface.
- Pennant:** Any lightweight plastic, fabric or similar material designed to move in the wind; pennants are often suspended from a rope, wire, or string in series. The term "pennant" shall not include a "banner" or an "official or personal flag" as regulated in this article.
- Performance Surety:** An amount of money or other negotiable security paid by the sub-divider, developer, or property owner or his surety to the County which guarantees that the sub-divider will perform all actions required by the County regarding an approved plat or other land development, and provides that if the sub-divider, developer, or property owner defaults and fails to comply with the provisions of approval, the sub-divider, developer, or property owner or his surety will pay damages up to the limit of the surety, or the surety will itself complete the requirements of the approval.
- Permanent Foundation:** A structural system for transposing loads from a structure to the earth at a depth below the established frost line without exceeding the safe bearing capacity of the supporting soil.
- Person:** A corporation, company, association, society, firm, partnership, organization, unit of government, or any other group that acts as a unit, as well as a natural person.
- Personal Care Home:** A building or group of buildings, a facility or place in which are provided two or more beds and other facilities and services, including room, meals and personal care for non-family ambulatory adults, as regulated by the State of Georgia Department of Human Resources. The term "personal care home" does not include buildings which are devoted to independent living units which include kitchen facilities in which residents have the option of preparing and serving some or all of their own meals, nor does it include halfway houses, residential treatment facilities,

nursing homes, sanitariums, hospital or other institutional facilities, or rooming or boarding facilities which do not provide personal care.

For the purposes of these regulations personal care homes shall be classified as follows:

a. A family personal care home shall be a personal care home for adults, in a family-type residence, non-institutional in character, which offers care to two through six persons.

b. A group personal care home shall be a personal care home for adults, in a residence or other type building(s), non-institutional in character, which offers care to seven through 15 persons.

c. A congregate personal care home shall be a personal care home for adults which offer care to 16 or more persons.

- Petition:** See Application
- Petitioner:** A person submitting an application for a development permit or for the rezoning of land.
- Plan Book** A document submitted by the Applicant to the Zoning Administrator for all proposed development of new single family, two family, townhouse, condominium, and multiple family development. The documents shall includes, but are not limited to: allowable building elevations, design criteria applicable for entries, porches, doors, windows, dormers, columns, cornices, rakes, garages, roofs, landscaping, fencing, retaining walls, exterior colors and materials, and other pertinent information as required by the Zoning Administrator.
- Planned Center:** A single office, commercial, or industrial property or contiguous properties, planned, developed and managed as a unit for occupancy by five (5) or more principal businesses not sharing common space, that are separately owned and have no corporate relationship, such as a shopping center or office complex.
- Planned Unit Development (PUD):** A large-scale unified development meeting the requirements of the Zoning Ordinance. Generally a planned unit development consists of a parcel or parcels of land, controlled by a single landowner, to be developed as a single entity which does not correspond in size of lots, bulk or type of buildings, density, lot coverage, and required open space to the regulations established in any district of this Zoning Ordinance.
- Planning Jurisdiction:** The area that a governmental unit has planning authority as drawn by each community in compliance with O.C.G.A §36-66 and §36-67. For the planning jurisdiction of Clayton County, see Jurisdiction Area.
- Planning Office:** The office of the Zoning Administrator and other professional planning staff within the Clayton County Department of Community Development.
- Planting Season:** The time period or season during which newly planted trees will have the best opportunity for survival, and consisting of that period from November 1st of any year to March 31st of the following year.
- Plat:** A map or chart that shows a division of land and is intended to be filed for record.
- Plat, Final:** The plan or map document of any subdivision in recordable form and any accompanying material as required by this Zoning Ordinance.
- Plat, Preliminary:** The plan or map upon which the approval of a proposed subdivision is based on as described in this Zoning Ordinance, indicating the proposed layout of the subdivision to be submitted to the Community Development Department for approval.

- Porch:** A roofed-over structure projecting out from the wall or walls of a main structure and commonly open to the weather in part.
- Portable Sign:** Any sign that is not permanently affixed to a building or other structure including but not limited to, signs mounted or painted on vehicles not used primarily for other purposes.
- Post Development Conditions:** The conditions that exist following the completion of the development activity in terms of topography, vegetation, land use and rate, volume and direction of stormwater runoff.
- Practical Difficulty:** A difficulty with regard to one's ability to improve land stemming from regulations of the Zoning Ordinance. A practical difficulty is not a "hardship," rather it is a situation where the owner could comply with the regulations within the Zoning Ordinance, but would like a variance from the Development Standards to improve his site in a practical manner.
- Pre-Development Conditions:** Those land use conditions that existed prior to the initiation of the development activity in terms of topography, vegetation, land use and rate, volume and direction of stormwater runoff.
- Preliminary Plat:** See Plat, Preliminary.
- Primary Building/Structure:** The building or structure in which the primary use of the lot or premises is located or conducted, with respect to residential uses, the primary building or structure shall be the main dwelling.
- Primary Use:** The main use of land or buildings as distinguished from an accessory use. A principal use may be either a permitted use or a conditional use.
- Private Road:** See Road, Private
- Private Tree:** Any tree located on private property.
- Professional Office:** An office used by members of a recognized profession such as architects, artists, dentists, engineers, lawyers, musicians, physicians, surgeons or pharmacists, and Realtors or insurance agents and brokers.
- Project Entrance Sign:** A permanent freestanding sign located at a discernible entrance into a multi-family development; or at a discernible entrance into a development containing more than one principal building, such as a business center or office park; or into a development containing multiple lots, such as a particular residential, office, commercial or industrial subdivision.
- Pruning:** The elimination of live and dead branches from a tree's crown to improve tree structure, enhance vigor and maintain safety.
- Public Improvements:** Any storm drainage facility, street, highway, parkway, sidewalk, pedestrian-way, tree, lawn, off-street parking area, lot improvement, utility, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established.
- Public Tree:** Any tree located on property belonging to the County.
- Public Sewerage System:** A community sewer system including collection and treatment facilities owned and maintained by a local government or an authority.
- Public Street/Road:** All property dedicated or intended for public highway, freeway, or roadway purpose and subject to public easements therefore.

- Public Utility:** Any person, firm, or corporation duly authorized to furnish under public regulation to the public, electricity, gas, steam, telephone, fiber optics, transportation, water, or sewerage systems.
- Public Water System:** A community water supply system including existing and new wells and/or surface water sources and intakes, treatment facilities, and distribution lines and includes such of the above facilities owned and maintained by a local government or an authority.
- Public Works Agreement:** A contract, between the developer and the County to complete the necessary improvements in accordance with the approved plans and specifications by a given date.
- Public/Private Parking Area:** A group of parking spaces in an open area not including any part of a street or alley, designed or used for temporary parking of motor vehicles.
- Racetrack:** Any venue for the sport of racing or competing where participants drive, ride, or control motorized vehicles. Racetrack includes, but is not limited to oval track racing, drag racing, motorcross, tractor pulling, go-carts racing, remote control airplane flying, and similar uses.
- Rear Lot line:** The lot line that is opposite the front lot line and farthest from it, except that for a triangular or other irregularly-shaped lot, the line ten feet long, parallel to the front lot line, and wholly within the lot, that is farthest from the lot line.
- Rear Yard:** The horizontal space between the nearest foundation of a building to a rear lot line and that rear lot line, extending to the side lines of the lot, and measured as the shortest distance from the foundation to the rear lot line. The rear yard of a corner lot shall be that yard at the opposite end of the lot from the front yard.
- Recharge Area:** Any portion of the earth's surface where water infiltrates into the ground to replenish an aquifer.
- Recreational Vehicle:** A vehicle which is built on a single chassis; 400 square feet or less when measured at the largest horizontal projections; designed to be self-propelled by a light duty truck; and designed primarily not for use as a permanent dwelling, but as quarters for recreational camping, travel, or seasonal use. A vehicle that is a temporary dwelling for travel, recreation and vacation use including but not limited to:
- Travel Trailer:** A vehicle identified by the manufacturer as a travel trailer, built on a chassis 8 feet or less wide and 30 feet or less long and designed to move on the highway.
- Pick-Up Coach:** A structure designed to be mounted on a truck chassis or cut-down car.
- Motor Home:** A self propelled vehicle with a dwelling constructed as an integral part of the vehicle.
- Camping Trailer:** A canvas, folding structure, built on a chassis with wheels and designed to move along the highway.
- Tent:** A collapsible shelter of canvas or other material stretched and sustained by poles and used for camping outdoors.
- Recreational Vehicle Park:** Any site, lot, field, or tract of land under single ownership, ownership of two or more people, owner occupied, or corporate ownership designed with facilities for short term seasonal or recreational, not for permanent year-round or family residency occupancy for recreational vehicles only.
- Types of recreational vehicle parks:

Type 1: Transient over-night camping. Cater to traveling RV public where campers usually occupy sites for one to three nights.

Type 1a: Primitive unimproved camping. Sites generally without electric or water available except at central sites.

Type 2: Recreational/Seasonal Non Permanent camping - Lots rented for RV campers to remain on site all year round but which prohibit off season occupancy and is supervised by a RV park owner or manager who enforces occupancy restrictions. Individual lots are not subject to buildable lot and set back restrictions but the campground, taken as a whole, must comply with size restrictions listed for campgrounds.

Type 3: Owner occupied seasonal camping - Lots which are owned by individual RV owners and RV campers remain on-site all year round but which prohibit lots from being occupied during the off-season. The elected officers of an association of lot owners enforce occupancy restrictions. Individual lots are not subject to buildable lot and set back restrictions but the campground, taken as a whole, must comply with size restrictions listed for campgrounds.

Recycling Center: A lot of parcel of land, with or without buildings, upon which used house hold goods materials are separated and processed for shipment for eventual reuse in new products.

Registered Land Surveyor: A land surveyor properly licensed and registered through reciprocity permitted to practice in the State of Georgia.

Registered Professional Engineer: An engineer properly licensed and registered through reciprocity permitted to practice in the State of Georgia.

Regulatory Flood: The flood having a one percent probability of being equaled or exceeded in any given year, as calculated by a method and procedure which is acceptable to and approved by the Georgia Department of Natural Resources and the Federal Emergency Management Agency. The "Regulatory Flood" is also known by the term "Base Flood."

Regulatory Floodway: The channel of a river or stream and those portions of the flood plains adjoining the channel which are reasonably required to efficiently carry and discharge peak flow of the regulatory flood of any river or stream and, is that area covered by floodwaters in significant downstream motion or covered by significant volumes of stored water during the occurrence of the regulatory flood.

Replacement Tree: A new tree planted on a site to meet minimum site density factor requirements, regardless of whether trees existed prior to any development.

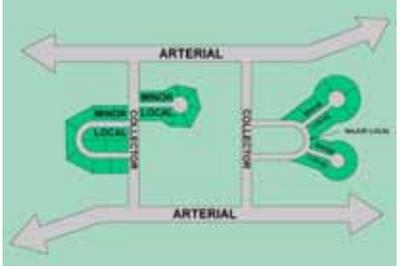
Replat/ Resubdivision: Any change in a map of an approved or recorded subdivision plat.

Residential District: Refers to the ER, RS-180, RS-110, RG, RM, and RMH zoning districts.

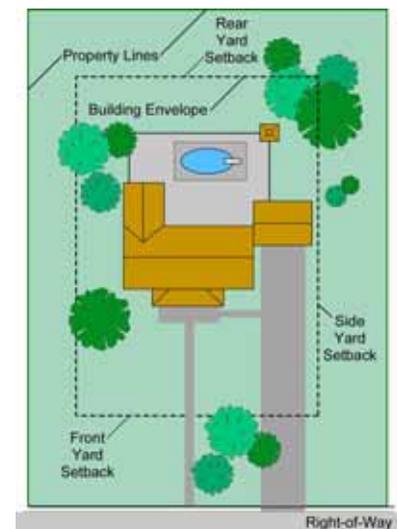
Residential Facility for the Developmentally Disabled/Mentally Ill: A residential facility which provides residential services for persons with developmental disabilities or mental illnesses and such facility is licensed and regulated by the Georgia Department of Human Resources.

Restaurant: An establishment where food and drink are prepared, served, and consumed primarily within the principle building,

Restaurant, Drive-In: An establishment where food and/ or beverages are sold in a form ready for consumption, where all or significant portion of the consumption takes place or is designed to take place outside the confines of the restaurant, and where ordering and pick up of food may take place from an automobile.

- Rest Home:** See Nursing Home
- Right-of-Way:** A strip of land acquired by reservation, dedication, prescription, or condemnation, and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer, and other similar uses.
- Right-of-Way Width:** The distance between property lines measured at right angles of the centerline of the street.
- Right to Farm:** The state law or local provision which protects farmers and farm operations from public and private nuisance lawsuits. A private nuisance interferes with an individual's use and enjoyment of the property. Public nuisances involve actions that injure the public at large.
- Road/Street:** Any vehicular route that: is an existing state, county, or municipal roadway; or is shown upon a plat approved pursuant to law; or is shown on a plat duly filed and recorded in the office of the county recording officer prior to the appointment of a planning board and the grant to such board to review plats; and includes the land between the street lines, whether improved or unimproved.
- 
- Road/Street Capacity:** See Capacity, Roadway.
- Road/ Street , Arterial:** A street with signals at important intersections and stop signs on the side streets and that collects and distributes traffic to and from collector streets.
- Road/Street, Collector:** A street designed to facilitate the collection of traffic from local streets and to provide circulation within neighborhood areas and convenient ways to reach arterial streets.
- Road/Street, Dual:** A street with opposing lanes separated by a median strip, center island, or other form of barrier, which cannot be crossed except at designated locations.
- Road/Street, Expressway:** A divided multi-lane major arterial street for through traffic with partial control of access and with grade separations at major intersections.
- Road/Street, Freeway:** A limited access highway with no grade crossings.
- Road/Street, Local:** A street designed to provide vehicular access to abutting property and to discourage through traffic.
- Road/Street, Loop:** A local street that has its only ingress and egress at two points on the same collector street.
- Road/Street, Major/Primary Arterial:** A street with access control, channelized intersections, restricted parking, and that collects and distributes traffic to and from minor arterials.
- Road/Street, Minor/Secondary Arterial:** A street with signals at important intersections and stop signs on the side streets and that collects and distributes traffic to and from collector streets.
- Road/Street, Paper:** A street that has never been built, shown on an approved plan, subdivision plat, tax map, or official map.
- Road/Street, Private:** Vehicular streets and driveways which are wholly within private property except where they intersect with other streets within public rights-of-way and are maintained by the owner(s), and a road/street that has not been accepted by the County or other governmental entity.

- Road/Street, Public:** All property dedicated or intended for public highway, freeway, or roadway purpose or subject to public easements therefore.
- Road/Street, Service:** A street running parallel to a freeway or expressway and serving abutting properties.
- Roadside Stand:** A structure for the display and sale of agricultural products, with no space for customers within the structure itself.
- Rowhouse:** A multi-family dwelling consisting of three or more attached dwelling units of similar or identical design, separated from others in a row by a vertical unpierced fire wall extending from the basement to the roof.
- Satellite Dish/Antenna:** An apparatus capable of receiving communications from a transmitter relay located in a planetary orbit, or broadcasted signals from transmitting towers.
- School:** A public or private institution which offers instruction in any of the branches of learning and study comparable to that taught in the public schools under the Georgia School Laws, including pre-kindergarten, kindergarten, elementary school, and junior and senior high schools, but excluding trade, business, or commercial schools.
- Scrap Metal Yard:** A general industrial use established independent or ancillary to and connected with another general industrial use, which is concerned exclusively in new and salvaged metal pipes, wire, beams, angles, rods, machinery, parts, filings, clippings, and all other metal items of every type, and which acquires such items incidental to its connection with the other general industrial use or by purchase, consignment or bailment which stores, grades, processes, melts, cuts, dismantles, compresses, cleans, or in any way prepares said items for reuse by the connected other general industrial use or for storage, sale or shipment and use in other industries or businesses including open hearth, electric furnaces and foundry operations; such an establishment shall not include junk yards, dumps, or automobile graveyards.
- Sedimentation:** The process by which eroded material is transported and deposited by the action of water, wind, ice, or gravity.
- Setback:** The minimum horizontal distance between the wall of the building or foundation and a lot line or right-of-way.
- Shrub:** A woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground.
- Special Flood Hazard Area:** Those lands within the jurisdiction of Clayton County that is subject to inundation by the regulatory flood. The SFHA's of the County are generally identified as such on the Flood Insurance Rate Map of the County prepared by the Federal Emergency Management Agency.
- Shoulder:** The portion of a street or road from the outer edge of the paved surface or back of curb to the right-of-way limit.
- Shopping Center:** A group of commercial establishments having a building composition that is an



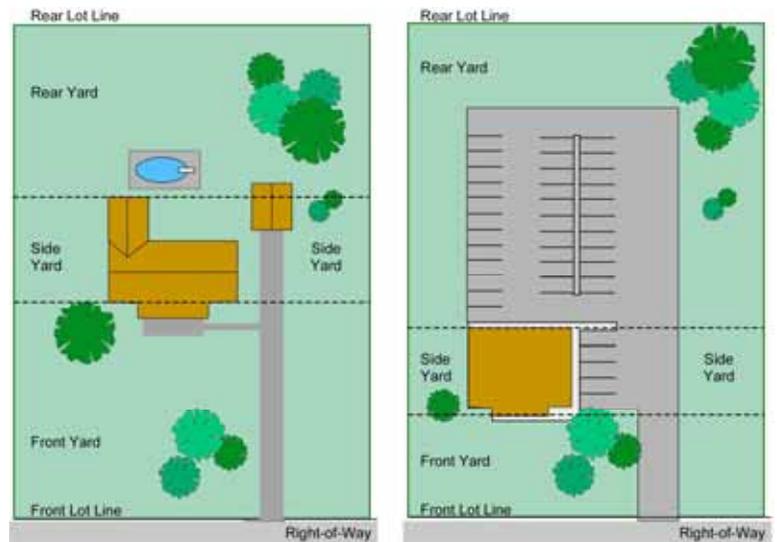
architectural unit and is not a miscellaneous assemblage of stores; planned, developed, analyzed as a unit, related in location, size and type of shops to the trade area that the unit serves, and providing on-site parking in definite relationship to the types and sizes of stores.

Side Lot line:

A lot boundary line other than a front or rear lot line.

Side Yard:

The horizontal space between the nearest foundation of a building to the side lot line and that side lot line. unoccupied other than by architectural appurtenances projecting not more than twenty-four (24) inches into that space; steps or terraces not higher



than the level of the first floor of the building; and open lattice-enclosed fire escapes, fireproof outside stairways and balconies projecting not over twenty four (24) inches into that space.

Sign:

Any structure, display, or device that is used to convey a message, advertise, identify, direct, or attract attention to a business, institution, organization, person, idea, product, service, event, or location by any means, including words, letters, numbers, figures, design characteristics, symbols, logos, fixtures, colors, movement, or illumination.

Sign, Awning:

A sign imposed, mounted or painted upon an awning.

Sign, Canopy:

A sign affixed to, imposed upon, or painted on any canopy, such that the sign is mounted in such a manner that a continuous face with the canopy is formed.

Sign, Mansard:

A sign imposed, mounted or painted upon a mansard and not extending above the top of the mansard.

Sign, Marquee:

Any sign attached flat against the marquee or permanent sidewalk canopy of a building and not extending above the top of the marquee.

Sign, Parapet:

A sign imposed, mounted or painted on a parapet and not extending above the top of the parapet.

Sign, Projecting:

A sign affixed to a wall and extending more than 18 inches from the surface of such wall, usually perpendicular to the wall surface.

Sign, Roof:

A sign that is mounted on, applied to, or otherwise structurally supported by the roof of a building.

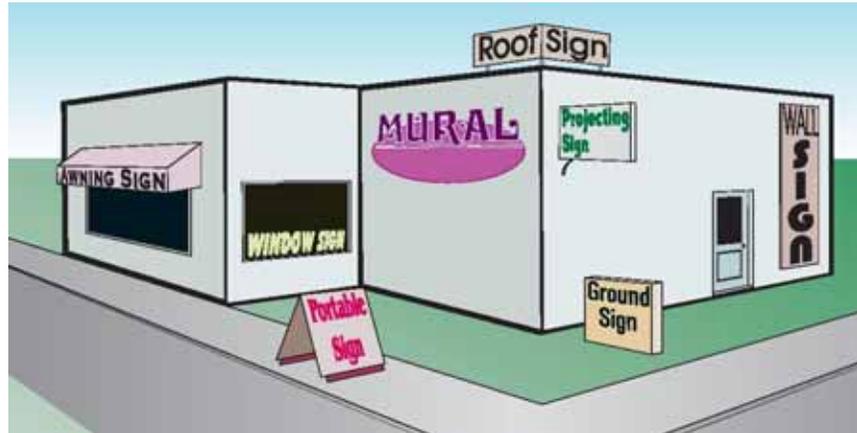
Sign, Under Canopy:

A display attached to the underside of a marquee or canopy and protruding over private sidewalks.

Sign, Wall:

A sign that is fastened directly to or is placed or painted directly upon the exterior wall of a building, with the sign face parallel to the wall, and extending from the surface of the wall no more than 18 inches.

Sign, Window: A sign that is placed on or behind a windowpane or glass door and intended to be viewed from outside the building.



Sign Copy: The words, letters, numbers, figures or symbols presented by a sign to convey its message or meaning.

Sign Face: That portion of the surface of a sign structure where words, letters, figures, symbols, logos, fixtures, colors, or other design elements are or may be located in order to convey the message, idea, or intent for which the sign has been erected or placed. The sign face may be composed of two or more modules on the same surface that are separated or surrounded by open space or by portions of a sign structure not intended to contain any advertising message or idea and are purely structural or decorative in nature.

Sign Module: Each portion or unit of a sign face that is clearly and physically separable from other such units.

Sign Structure: All elements of a freestanding sign, including the sign face, background, or decorative elements related to the presentation or support of the sign's message, and the structural supports.

Site Visibility Triangle: A triangular shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

Site Development Plan (Site Plan): The plan indicating the location of existing and proposed buildings, structures, paved areas, walkways, vegetative cover, landscaping and screening within a site proposed for development which is to be submitted to the Community Development Department for approval prior to the release of improvement location permits on the site.

Small Maturing Tree: A tree species that shall be a minimum of five (5) feet in height and have a caliper of at least one and one-half inches immediately after planting. These species shall have an average mature crown spread of at least fifteen (15) feet and a height of twenty-five (25) feet when grown.

Solid Waste: Any garbage or refuse as defined in O.C.G.A. 12-8-22.

Solid Waste Handling: The storage, collection, transportation, treatment, utilization, processing, or disposal of solid waste, or any combination of such activities as defined in O.C.G.A. 12-8-22.

- Sound Level Meter:** An instrument standardized by the American Standards Association for measurement of the intensity of sound.
- Specimen Tree:** Any tree determined by the County Arborist to be of notable historic interest, high aesthetic value or of unique character because of species, type, age, size, location or health. See Appendix B of Article 14, Tree Protection.
- Stable, Private:** A building or structure which is located on a lot on which a dwelling is located, and which is designed, arranged, used, or intended to be used for housing saddle horses, ponies, mules, or other draught animals primarily for the use of occupants of the dwelling, but in no event for hire. Horses shall be subject to the animal unit/acreage restrictions for the available pasture space, as defined within the Agricultural zoning district.
- Stable, Public:** A stable other than a private stable which is used to house horses, ponies, mules or other draught animals on a pay-for-services, for-profit basis.
- Stabilization:** The process of establishing an enduring cover of vegetation by the installation of temporary or permanent structures for the purpose of reducing to a minimum the erosion process and the resultant transport of sediment by wind, water, ice or gravity.
- Storage, Outdoor:** The outdoor accumulation of goods, junk, cars, busses, tractor trailers, railroad cars, equipment, products, or similar materials for permanent or temporary holding.
- Story:** That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it. Any portion of a story exceeding fourteen (14) feet in height shall be considered as an additional story for each fourteen (14) feet or fraction thereof. A basement having more than one-half the clear floor-to-ceiling height above grade shall be considered a "story."
- Story, Half:** A space under a sloping roof which has the line of intersection of roof decking and wall, not more than three (3) feet above the top level of the story below. In such space, not more than sixty (60) percent of the floor area is completed for a principal or accessory use)
- Street:** See Road/ Street
- Street Grade:** The grade of the centerline of a street measured at any point along the street expressed as a percent.
- Street Tree:** Any existing tree or any tree to be planted on the street right-of-way.
- Structural Alteration:** A change, other than incidental repairs, which would prolong the life of the supporting members of a building, such as the addition, removal, or alteration of bearing walls, columns, beams, girders, or foundations. Also, substantial roofing and siding work when repairs are made to the structure beneath.
- Structure:** A composition of materials to form a construction for use, occupancy, or orientation whether installed on, above, or below the surface of land or water.
- Structure Height:** The vertical distance of a structure measured from the average elevation to the finished grade surrounding the structure of the highest point of the structure.
- Sub-divider:** A person, individual, firm, partnership, association, corporation, estate, or trust, or any other group or combination acting as a unit, dividing or proposing to divide land so as to constitute a subdivision, as herein defined, including any agent of the

sub-divider.

- Subdivision:** The division of a lot, tract or parcel of land into two (2) or more lots, parcels, sites or other divisions of land for the purpose, whether immediate or future, of transfer of ownership or for building development. It includes resubdivision and relates to the process of resubdividing or to the land or territory subdivided.
- Subdivision, Major:** All subdivisions not classified as minor subdivisions, including, but not limited to, subdivisions of five (5) or more lots, or any size subdivision requiring any new street, public or private.
- Subdivision, Minor:** A division of land into not more than four (4) lots, provided:
1. A minor subdivision does not require the construction of any public improvements including street, sidewalks, sewer or water lines and street trees.
 2. All lots and any remaining tract shall be consistent with all applicable requirements of the Clayton County Zoning Ordinance, including lot size, setbacks, frontage on a public road, width to depth ratio, and lot width.
 3. At the time of filing, the property owner shall be required to show all possible lots which are permitted to be created through minor subdivision provisions of this Ordinance.
 4. All driveway permits shall be subject to the review of the Clayton County Department of Transportation and Development or the State of Georgia Department of Transportation.
- Subdivision, Non-Residential:** A subdivision whose intended use is other than residential.
- Support Structure:** A structure designed and constructed specifically to support an antenna array. This includes, but is not limited to, a monopole, self-supporting tower, and guy wire-support tower. A support structure does not include any device that is used to attach a wireless communication facility to a building or structure.
- Surety:** An amount of money or other negotiable security paid by the sub divider, developer, or property owner or his surety to the County which guarantees that the sub divider will perform all actions required by the County regarding an approved plat or in other situations, and provides that if the sub-divider, developer, or property owner defaults and fails to comply with the provisions of his approval, the sub divider, developer, or property owner or his surety will pay damages up to the limit of the bond, or the surety will itself complete the requirements of the approval.
- Swimming Pool:** A structure having a self-contained body of water at least eighteen (18) inches deep and eight (8) feet in diameter or width and used for recreational purposes. It may be above or below ground level, and shall be considered an accessory structure/ use.
- Temporary Use/Structure:** A land use or structure established for a limited and fixed period of time with the intent to discontinue such use or structure upon the expiration of the time period.
- Temporary Wireless Telecommunications Facility:** A portable wireless communication facility that lacks a permanent foundation and is used for a limited period while a permanent facility is under construction, under repair or during a special public event or emergency. Also called a Cell on Wheels (COW).
- Tenant:** A natural person, business or other entity that occupies land or buildings by ownership, under a lease, or through payment of rent; an occupant, inhabitant, or dweller of a place.
- Theater:** A facility for audio and visual productions and performing arts, excluding adult

motion picture theaters and adult entertainment businesses.

- Timber Harvesting:** A timber management activity as part of a demonstrated ongoing agricultural land use. See Appendix C of Article 14, Tree Protection.
- Topping:** The severe cutting back of branches to a stub, bud, or a lateral branch not large enough to assume the terminal role.
- Townhouse** A multi-family dwelling consisting of three or more attached dwelling units, separated from others by a fire rated wall extending from the basement to the roof, each of which has primary ground floor access to the outside.
- Toxic Chemical:** Any chemical deemed by the County Arborist to be damaging to the tree or the soil on public lands. A written list of chemicals deemed as such shall be made publicly available and maintained by the County Arborist with review by the Tree Commission.
- Tractor Trailer Drop Lot:** Property used solely for the temporary placement of tractor trailers where no structure is located on the premises.
- Tractor Trailer Storage:** Property used for the long term controlled storage of tractor trailers which include permanent office or security facilities.
- Trailer:** Trailers designed for human dwellings can be divided into RV or mobile homes. To be classified as a RV trailer it must be less than 400 sq. ft. and a trailer of 400 sq. ft. or more is classified as a mobile - single wide. Trailers used for construction or sales offices should not be considered the same as RV or as mobile homes. Also transport trailers used for storage or are abandoned present a different set of issues.
- Transportation Improvement Plan (TIP):** An annual document prepared by the Clayton County Board of Commissioners indicating local and state transportation projects which are planned for the following three (3) year period.
- Transportation Level of Service Standards:** A measure that describes the operational condition of the travel stream and acceptable adequacy requirements. Such standards may be expressed in terms such as speed and travel time, freedom to maneuver, traffic interruptions, comfort, convenience, geographic accessibility, and safety.
- Tree:** Any living, self-supporting woody or fibrous plant which normally obtains a diameter breast height of at least three (3) inches, and typically has one (1) main stem or trunk and many branches.
- Tree Bank:** A site such as a school or public park, where the owner/developer shall donate and plant the required trees when it is not feasible to plant the required trees within their site's project area.
- Tree Bank Fund:** A fund created to receive and hold monies paid by tree removal permit holder(s) in lieu of relocating or replacing trees when it is not feasible or desirable to do so on or off-site.
- Tree Density Standard (TDS):** The minimum number of Tree Density Units per acre which must be achieved on a property.
- Tree Density Unit (TDU):** A credit assigned to a tree, based on the basal diameter of the tree, in accordance with tables contained in Appendix D.
- Tree Master Plan:** A plan prepared by the County Arborist that guides the care, preservation, pruning, planting, replanting, removal, or disposition of trees on public lands.
- Tree Permit:** Consent given in writing by the County Arborist to a person, private firm or agency to maintain, remove or do any work requiring a permit involving any tree

within the public right-of-way or other public property.

Tree Planting List: The recommended species of trees listed in Appendix A.

Tree Planting Standards and Specifications: The design standards and specifications adopted for the planting or maintenance of trees.

Tree Protection or Planting Plan: A plan that identifies tree protection areas where existing trees are to be protected and preserved, and replacement trees planted on a property to meet minimum requirements, as well as methods of tree protection to be undertaken on the site and other pertinent information.

Tree Protection Area (TPA): Any portion of a site wherein are located existing trees which are proposed to be preserved in order to comply with applicable requirements of these land development regulations, and shall include nothing less than the total area of the CRZ of the tree or group of trees collectively.

Tree Preservation Area: The total critical root zone surrounding a preserved or planted tree or trees that is essential to that tree's health and survival, and is protected within the guidelines of this Article.

Tree Removal: Any act which causes a tree to die within two (2) years after commission of the act, including but not limited to damage inflicted upon the root system in the critical root zone or trunk as the result of:

1. the improper use of machinery on the trees;
2. the storage of materials in or around the trees;
3. soil compaction;
4. altering the natural grade to expose the roots or to cover the tree's root system with more than four (4) inches of soil;
5. causing the infection or infestation of the tree by pests, fungus or harmful bacteria;
6. pruning judged to be excessive by the administrator or not in accordance with the standard set forth by the International Society of Arboriculture (ISA);
7. removal of more than twenty (20) percent of the critical root zone;
8. paving with concrete, asphalt or other impervious surface within such proximity as to be harmful to the tree or its root system; and
9. the application of herbicides or defoliant to any tree without first obtaining a permit.

Tree Replacement Area: The area designated for a tree or trees to be planted in order to meet tree density requirements.

Tree Save Area: All areas designated for the purpose of meeting tree density requirements, saving natural trees, and/or preserving natural buffers.

Tree Thinning: The selective cutting or thinning of trees only for the clear purpose of good forestry management in order to protect said forest from disease or infestation and in no way shall be construed as including clear cutting.

Truck Sales: The sale of vehicles primarily designed to carry cargo and material.

Truck Stop: Any building, premises, or land in which or upon which a business, service, or industry involving the maintenance, servicing, storage, or repair of commercial vehicles is conducted or rendered, including the dispensing of motor fuel or other petroleum products directly into motor vehicles and the sale of accessories or equipment for trucks and similar commercial vehicles. A truck stop also may include overnight accommodations and restaurant facilities primarily for the use of truck crews.

- Truck Terminals:** Land and buildings used as a relay station for the transfer of a load from one vehicle to another or one party to another. The terminal facility may include storage areas for trucks and areas for the repair of trucks associated with the terminal.
- Trucking Facility:** Property used for reoccurring trucking operations, including storage of trucks and trailers. A trucking facility may include offices, dispatch facilities, areas for refueling and routine maintenance of company owned trucks and vehicles. No warehousing or cross dock facilities are located on the premises.
- Two-Page Layout:** The layout accompanying each zoning district in article three (3) of the Zoning Ordinance. The two-page layout includes permitted uses, conditional uses, and basic zoning district information.
- Undisturbed Vegetation:** The natural vegetation in a generally untouched, maintenance free, self-perpetuating stand comprised of indigenous trees, shrubs, herbs, flowers or grasses.
- Understory Tree:** Trees which, at maturity, comprise the sub-canopy of a natural forest. These are generally twenty (20) to forty (40) feet at mature height.
- Use:** The purposes of which land, building, or structure thereon is designed, arranged, or intended, or for which it is occupied, maintained, let, or leased.
- Use, Principal:** The main use of land or buildings as distinguished from a subordinate or accessory use. (May be either “permitted” or “conditional”)
- Use, Permitted:** A use which may be lawfully established in a “particular district or districts, provided it conforms to all requirements, regulations, and performance standards, if any, of such district.
- Variance, Development Standards:** A specific approval granted by a Board of Zoning Appeals in the manner prescribed by the Zoning Ordinance, to deviate from the development standards that the Ordinance otherwise prescribes.
- Vehicle:** A device used as a mode of transportation of persons and/or goods including but not limited to automobiles, semi-tractor trailers, all types of trailers, snowmobiles, recreational vehicles, motorcycles and like devices.
- Vehicle, Inoperable:** A vehicle which due to mechanical defect or failure or incorrect or unapparent licensing is not physically or legally able to be operated.
- Wall Sign:** See Building Sign.
- Warehousing and Distribution Centers:** Land and building facilities engaged in storage, wholesale and distribution of manufactured products, supplies and equipment.
- Wetland:** An area that is inundated or saturated by surface or ground water at a frequency and duration that under normal circumstances supports a prevalence of hydrophytic vegetation.
- Wholesale Establishment:** A business establishment engaged in selling to retailers or jobbers rather than consumers.
- Window Sign:** See Building Sign.
- Wireless Communications:** Personal wireless services as defined in 47 U.S.C. § 332(7)(C) (the “Telecommunications Act of 1996”). This includes FCC licensed commercial wireless telecommunications services, including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist.

- Wireless Telecommunications Facility:** Any unmanned facility established for the purpose of providing wireless transmission of voice, data, images or other information including, but not limited to, cellular telephone service, personal communications service (PCS), and paging service. A Telecommunication Facility can consist of one or more Antennas and Accessory Equipment or one base station.
- Yard:** An open space on the same lot with a building or structure, unoccupied and unobstructed from the general ground level to the sky, except as otherwise permitted. (a “yard” extends along a lot line, and to a depth or width specified in the yard requirements for the zoning district in which such lot is located).
- Yard, Front:** A yard extending along the full length of the front lot line between the side lot lines.
- Yard, Rear:** A yard extending along the full length of the rear lot line between the side lot lines.
- Yard, Side:** A yard extending along a side lot line from the front yard to the rear yard.
- Yard, Corner Side:** A side yard which adjoins a public street, road, or highway.
- Yard, Interior Side:** A side yard which is located immediately adjacent to another lot or to an alley separating such side yard from another lot.
- Yard, Transitional:** A yard which must be provided on a lot in a Business District which adjoins a lot in a Residential District, or a yard which must be provided on a lot in a Manufacturing District which adjoins a lot in either a Residential or Business District.
- Zoning Administrator:** The person appointed by the Board of Commissioners and having the duties and responsibilities set forth within the Ordinance.
- Zoning Advisory Group:** The advisory body appointed by the governing body of Clayton County under the procedures contained in the Zoning Ordinance.
- Zoning District:** See District
- Zoning Map:** See Official Zoning Map
- Zoning Ordinances:** an ordinance or resolution of a local government establishing procedures and zones or districts within its respective territorial boundaries which regulate the uses and development standards of property within such zones or districts. The term also includes the zoning map adopted in conjunction with a zoning ordinance which shows the zones and districts and zoning classifications of property therein.” O.C.G.A. § 36-66-3.
- Zero Lot Line:** The location of a building on a lot in such a manner that one or more of the building’s sides rest directly on a lot line.

1.6 Compliance

No structure shall be located, erected, constructed, reconstructed, moved, altered, converted, or enlarged; nor shall any structure or land be used or existing use be expanded, except in full compliance with all provisions of this Ordinance and after the lawful issuance of all permits and certificates required by this Ordinance.

1.7 Severability

If any provision of this Ordinance or the application of any provision to particular circumstances is held unconstitutional or invalid by the courts, the remainder of the Ordinance or the application of such provision to other circumstances shall not be affected.

1.8 Interpretation

The provisions of this Ordinance shall be held to be the minimum requirements for the protections of the health, safety, and general welfare of the people at large, and are designed to encourage the establishment and maintenance of reasonable community standards for the physical environment. If two or more provisions within this Ordinance are in conflict or are inconsistent with one another, then the provision which is most restrictive shall control.

1.9 Jurisdiction

This Ordinance shall apply to the entire unincorporated limits of Clayton County, Georgia.

1.10 Application

When this Ordinance along with private covenants, private contracts, commitments, permits, agreements, state laws, federal laws or other regulations regulates a structure or parcel of land, the greater restriction shall control. In no instance shall this Ordinance be interpreted as altering or negating any other applicable regulations.

1.11 Saving Provision

This ordinance shall not be construed as eliminating or reducing any action now pending under, or by virtue of, an existing law or previous Zoning Ordinance. Also, this Ordinance shall not be construed as discontinuing, reducing, modifying or altering any penalty accruing or about to accrue.

1.12 Repealer

The Clayton County Zoning Ordinance dated October 6, 1987, and its associated Zoning Map and any revisions are hereby repealed. In the event all of this Ordinance is struck down as void, unconstitutional or invalid, including therefore this provision, that prior ordinances shall be considered to not have been repealed, and shall therefore still be in effect

1.13 Transition Rules

A. Any application for a Building Permit that has been filed with the Department of Community Development or its designees and is full and complete, prior to the effective date of this Ordinance, shall be regulated by the terms and conditions of the

Zoning Ordinance that was in place at the time of filing. However, all administrative procedures and penalties shall follow those set forth by this Zoning Ordinance.

- B. Any application for a Zoning Map Amendment that was filed with the Department of Community Development or its designees, and is full and complete prior to the effective date of this Ordinance, shall continue through the process to completion pursuant to the terms and conditions of the Zoning Ordinance that was in place at the time of filing. However, if the proposed use would no longer be permitted in the proposed zoning district or the proposed zoning district no longer exists in this Ordinance, the Zoning Administrator shall amend the application such that the request for rezoning would accomplish the same end goal for the applicant.
- C. Any application before the Board of Commissioners, Zoning Advisory Group, or Board of Zoning Appeals (i.e. conditional use, development standards variance, land use amendment) that has been filed with the Department of Community Development or its designees and is full and complete, prior to the effective date of this Ordinance, shall continue the process pursuant to the terms and conditions of the Zoning Ordinance that was in place at the time of filing, provided that:
 - 1. If such application is no longer required by the terms of this Ordinance, the application will be dismissed; or,
 - 2. If the proposed use or development requires additional approvals from the Board of Commissioner, Zoning Advisory Group, or Board of Zoning Appeals pursuant to the terms of this Ordinance that were not required under the previous Ordinance, the application will be amended to include only those additional approvals that are now required and within the jurisdiction of the Board of Commissioners.
- D. Permits
 - 1. All Building Permits issued prior to the effective date of this Ordinance shall be void 1 year after their date of issue if construction has not begun.
 - 2. Building Permits issued prior to the effective date of this Ordinance for which construction has begun shall become void if construction is abandoned for a period of 6 consecutive months or if, in the opinion of the Zoning Administrator, construction has otherwise ceased.
 - 3. All approvals which expire and/or become void shall comply with all applicable provisions of this Ordinance if re-issued.

1.14 Amendments

- A. In accordance with the State of Georgia, O.C.G.A. § 36-66-4, the Board of Commissioners may amend or partially repeal the text of this Ordinance or they may amend the Official Zoning Map of this Ordinance as follows:
 - 1. The Board of Commissioners or the Zoning Advisory Group may initiate a proposal to amend or partially repeal the text according to the procedure of the State of Georgia and according to the Board of Commissioners Rules and Procedures.
 - 2. The Board of Commissioners, Zoning Advisory Group, or at least fifty (50) percent of the affected property owners may initiate an application to change the Official Zoning Map according to the procedure of the State of Georgia and according to the Board of Commissioners Rules and Procedures.
- B. In its review of the text and zoning map amendments, the Zoning Advisory Group and Board of Commissioners shall pay reasonable regard to:
 - 1. The most recently adopted Comprehensive Plan;
 - 2. Current conditions and the character of structure and uses in each district;

3. The most desirable use for which the land in each district is adapted;
4. The conservation of property values throughout the jurisdiction;
5. Responsible development and growth; and
6. The public health safety and welfare.

1.15 Repealer

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid. It is the intent that any provision declared unconstitutional shall be severed from the Ordinance, and that the remainder of the Ordinance remain in effect.

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Zoning Districts

Article Two - Zoning Districts Established

2.1 Establishment of Standard Districts

For the purpose of this Ordinance, the planning jurisdiction is divided into the following zoning districts for the general uses as stated. These districts shall be indicated on the Official Zoning Map and labeled using the codes noted below. Each of the zoning districts stands alone and is not part of a hierarchy-system of zoning. Only those uses and development standards which are expressly permitted and noted for each district apply to that district.

AG - Agriculture:

This district is established primarily for agricultural uses. The intent of this district is to promote and protect agricultural uses while providing limited low density rural residential development and related commercial activity.

ER- Estate Residential District:

This district is established to preserve the large lot, estate type residential character of land which presently serves as a transition between rural land and lands becoming more urban in character.

RS-180 Residential District:

This district is established to provide for the low density development of large single-family detached homes on medium-sized lots.

RS-110 Residential District:

This district is established to provide for the medium density development of medium-sized single-family detached homes on medium-sized lots.

RG-75 Residential District:

This district is established to provide for the high density development of medium to small-sized single-family detached and two-family homes on small-

sized lots.

RM- Multiple Family Residential:

This district is established to provide for the development of multiple family residential units, including apartments, townhomes, fee simple townhomes, condominiums, and structures containing three or more dwelling units.

RMH - Manufactured Home Park:

This district is established to provide for the development of lease-lot residential parks which provide dwelling sites for mobile and type III manufactured homes.

OI- Office Institutional:

This district is established to provide a land use category for appropriate office, institutional, and public uses that are non-conflicting with residential uses.

NB - Neighborhood Business:

This district is established to provide a land use category to supply products and services to neighborhood residents.

CB - Community Business:

This district is established to provide a land use category that supplies additional products and services to a larger consumer population than is served by the neighborhood business district.

GB - General Business:

This district is established to provide a land use category for a diversity of commercial uses that provide products and services on a regional level.

MMX – Medical Mixed Use:

This district is established to provide an area for regional health care systems.

NMX – Neighborhood Mixed Use:

This district is established to provide a mixture of residential housing options and supportive commercial uses within close proximity to each other.

RMX - Regional Mixed Use:

This district is established to provide an intense mixture of residential, office, and commercial uses in close proximity of each other.

LI - Light Industrial:

This district is established to provide a land use category for assembly, warehousing, wholesale activities, and other light industrial operations.

HI - Heavy Industrial:

This district is established to provide a land use category for manufacturing, assembling, and fabrication activities including large scale or specialized industrial operations.

2.2 Standard District Land Uses

Specific land uses are either Permitted, Non-Permitted or a Conditional Use in each Zoning District. Clayton County's permitted and Conditional Uses for each district are noted in the Permitted Use and Conditional Use columns in Article 3 of this Ordinance.

2.3 Establishment of Planned Unit Development District

This Ordinance allows for land in all zoning districts to be rezoned for the creation of a planned unit development. All planned unit developments shall be consistent with the requirements found in Article 7, Planned Unit Development, of this Ordinance. Planned unit developments shall be indicated on the Official Zoning Map using the three-digit PUD code.

Article Three – Zoning District Intent, Uses & Standards

AG Agriculture District

3.1 AG District Intent, Permitted Uses and Conditional Uses

<p>District Intent</p> <p>The “AG” District is intended to provide a land use category for agricultural activities. The provisions that regulate this land use district should protect, promote and maintain areas in Clayton County primarily for farming operations. Clayton County’s elected and appointed Officials should strive to protect this district from conflicting land uses, non-agriculture oriented businesses and any use that may inflict significant environmental impacts or is injurious to the agriculture community.</p>
<p>Permitted Uses</p> <p>Agricultural Uses</p> <ul style="list-style-type: none"> • Agricultural crop production, processing, or product storage • Agricultural product (seeds, fertilizer, etc.) sales, distribution, and storage • Farm implement storage (operable implements used in the farming operation) • Grazing/pasture land • Livestock, on parcels with greater than 3 acres and all areas for animals must be enclosed by fencing • Kennels • Riding academies and stables on parcels of land greater than 3 acres; provided, that any structure shall be at least 100 feet from any property line

<p>Permitted Uses</p> <p>Residential Uses</p> <ul style="list-style-type: none"> • Dwelling, single-family • Family day care home • Home occupation (type I) • Boarding house/ group home/ personal care home having 5 or less persons <p>Institutional/Public Uses</p> <p>Public Uses</p> <ul style="list-style-type: none"> • Nature preserve/ passive recreation trail • Parks and playgrounds • Police, fire, rescue • Public/ government buildings and offices • Public structures and uses in accord with the intent of this district <p>Communication/Utilities</p> <ul style="list-style-type: none"> • Public wellfield/ pump house • Water tower • Utility substation <p>Accessory Uses</p> <ul style="list-style-type: none"> • Carports and garages • Parking of one unoccupied travel trailer, motor coach, or pleasure boat owned or used by the property owner on which it is located • Private recreation areas owned, operated, and maintained exclusively for residents of subdivisions, multiple family, or manufactured housing developments • Storage and utility buildings
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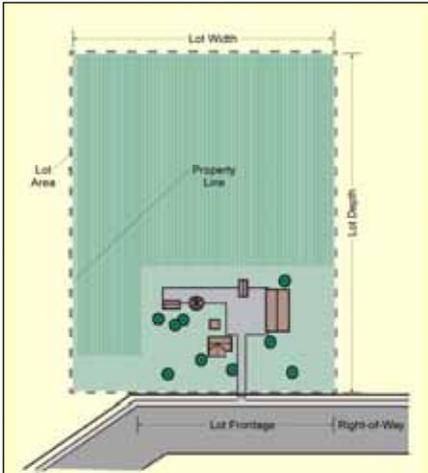
<p>Conditional Uses</p> <p>Residential Uses</p> <ul style="list-style-type: none"> • Assisted living/retirement facility • Bed and breakfast facility • Boarding house/ group home/ personal care home having 6 or more persons • Dwelling, single family (accessory, as an additional dwelling, including mother-in-law suites) • Home occupation (type II) • Nursing home • Residential facility for developmentally disabled/mentally ill <p>Institutional/Public Uses</p> <ul style="list-style-type: none"> • Cemeteries • Golf course or driving range • Educational institutions/ schools (P-12) • Places of Worship, Theaters, and Amphitheaters • Publicly owned parks and recreation areas • Recreational vehicle park
<p>Conditional Uses, Continued</p> <ul style="list-style-type: none"> • Sanitary landfill • Temporary sawmill • Private airport, helicopter port, or helicopter stop provided that there shall be a minimum of 5 acres and undisturbed landscape buffer of 200 feet along all property lines <p>Agricultural Uses</p> <ul style="list-style-type: none"> • Confined animal feeding operations <p>Communication/Utilities</p> <ul style="list-style-type: none"> • Wireless telecommunications facility

<p>Use Notes and Subdivision Specifications</p> <ul style="list-style-type: none"> • The Use Matrix at the end of this Article provides detailed use listings. • The Overlay Districts shall apply as specified in Article 4 of this Ordinance. • Any district may be rezoned to “PUD” (Planned Unit Development) as specified in Article 7 of this Ordinance. • The subdivision of land in this district shall be consistent with the specifications of the Clayton County Subdivision Ordinance.

Article Three – Zoning District Intent, Uses & Standards

AG Agricultural District

3.2 AG District Standards



Minimum Lot Area:

- 1.5 acres

Minimum Lot Width:

- 200 feet

Maximum Lot Depth:

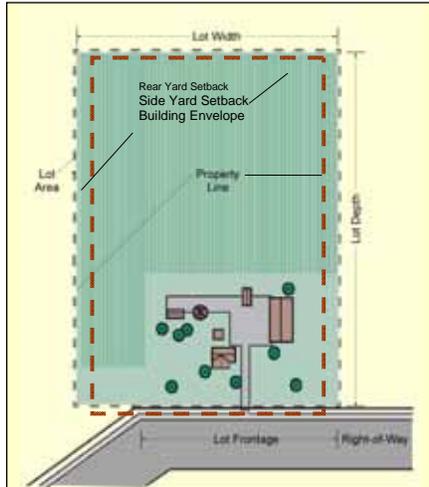
- 3.5 times the lot width (for residential primary uses)
- None (for non-residential primary uses)

Minimum Lot Frontage:

- 100% of the lot width on a public street with access from said public street

Sewer and Water:

- May use public water and sewer or private well and septic systems



Minimum Front Yard Setback:

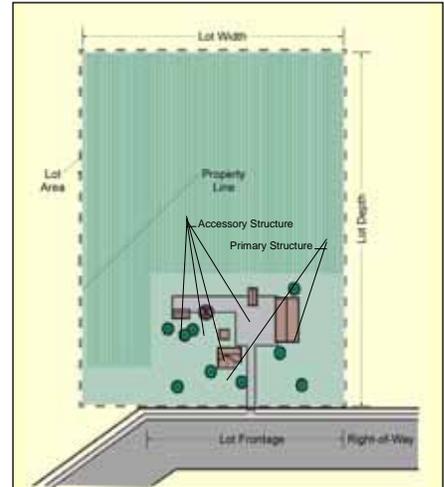
- 50 feet when adjacent to an Arterial Rd
- 50 feet when adjacent to a Collector Rd
- 50 feet when adjacent to a Local Road

Minimum Side Yard Setback:

- 25 feet

Minimum Rear Yard Setback:

- 25 feet



Maximum Lot Coverage:

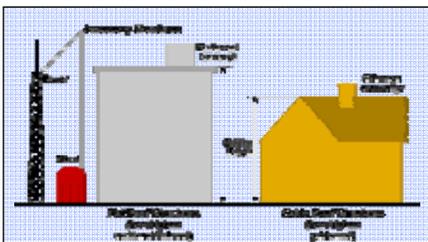
- Square footage of all primary and accessory structures, and impervious surface cannot exceed 10% of the Lot Area

Minimum Living Area:

- 2,000 square feet (primary use dwelling)
- 800 square feet (accessory use dwelling)

Minimum Ground Floor Area:

- 40% of the total living area



Maximum Structure Height:

- 35 feet for the Primary Structure
- 25 feet for Accessory Structures
- All agriculture related structures are exempt
- All telecommunication facilities shall conform to the requirements of Article 6

Additional Development Standards That Apply

Lot/Yard, Standards..... (LY)	Helicopter Standards..... (AH)
Height Standards(HT)	Recreations Vehicle Parks (RV)
Septic Tank Standards (ST)	Performance Standards (PS)
Accessory Use/ Structure Standards(AS)	Sight Visibility Standards.....(SV)
Architectural Standards(AA)	Public Improvement Standards.....(PI)
Home Occupations Standards.....(HO)	Fence and Wall Standards(FW)
Day Care Facilities Standards.....(DCF)	Parking Standards(PK)
Personal Care Home Standards(PCH)	Loading Standards(LD)
Places of Worship Standards(POW)	Landscaping Standards(LA)
Public/ Private School Standards.....(PPP)	Buffer Yard Standards(BY)
Landfill Standards.....(LF)	Outdoor Lighting Standards.....(OL)
Kennel Standards.....(KS)	Telecommunication Facility(TF)
Cemetery Standards.....(CS)	Sign Standards(SS)
Temporary Sawmill Standards(TS)	

Article Three – Zoning District Intent, Uses & Standards

ER Estate Residential District

3.3 ER District Intent, Permitted Uses and Conditional Uses

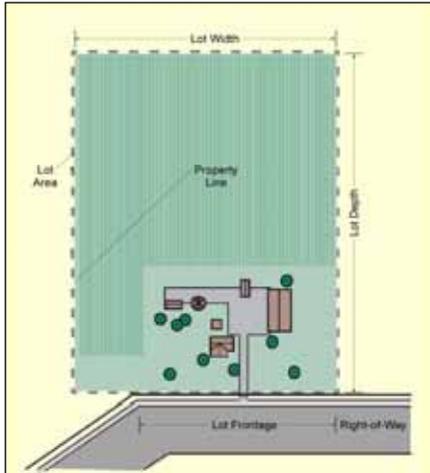
<p>District Intent</p> <p>The “ER” District is intended to accommodate large lot, estate type residential uses in a rural environment. Specifically, it is meant to: a.) accommodate those persons who desire estate-type living; b.) maintain a pattern of growth that is consistent with the cost-efficient provision of urban services to promote compactness in the city structure; and c.) provide for development in a rural setting, not necessarily requiring urban utilities. The provisions that regulate this land use district should protect, promote and maintain areas in Clayton County primarily for large lot residential communities.</p>	<p>Permitted Uses</p> <p><u>Residential Uses</u></p> <ul style="list-style-type: none"> • Dwelling, single-family • Family day-care home • Home occupation (type I) • Boarding house/ group home/ personal care home having 5 or less persons <p><u>Institutional/Public Uses</u></p> <ul style="list-style-type: none"> • Nature preserve/ passive recreation trail • Parks and playgrounds • Police, fire, rescue • Public/ government buildings and offices • Public structures and uses in accord with the intent of this district <p><u>Communication/Utilities</u></p> <ul style="list-style-type: none"> • Public wellfield/ pump house • Water tower • Utility substation <p><u>Accessory Uses</u></p> <ul style="list-style-type: none"> • Carports and garages • Parking of one unoccupied travel trailer, motor coach, or pleasure boat owned or used by the property owner on which it is located • Private recreation areas owned, operated, and maintained exclusively for residents of subdivisions, multiple family, or manufactured housing developments • Storage and utility buildings 	<p>Conditional Uses</p> <p><u>Residential Uses</u></p> <ul style="list-style-type: none"> • Assisted living/retirement facility/ nursing home • Bed and breakfast facility • Boarding house/ group home/ personal care home having 6 or more persons • Dwelling, single family (accessory, as an additional dwelling, including mother-in-law suites) • Home occupation (type II) • Residential facility for developmentally disabled/mentally ill <p><u>Institutional/Public Uses</u></p> <ul style="list-style-type: none"> • Golf course or driving range • Educational institutions/ schools (P-12) • Places of Worship, Theaters, and Amphitheaters • Publicly owned parks and recreation areas <p><u>Communication/Utilities</u></p> <ul style="list-style-type: none"> • Wireless telecommunications facility/ tower
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<p>Use Notes and Subdivision Specifications</p> <ul style="list-style-type: none"> • The Use Matrix at the end of this Article provides detailed use listings. • The Overlay Districts shall apply as specified in Article 4 of this Ordinance. • Any district may be rezoned to “PUD” (Planned Unit Development) as specified in Article 7 of this Ordinance. • The subdivision of land in this district shall be consistent with the specifications of the Clayton County Subdivision Ordinance.

Article Three – Zoning District Intent, Uses & Standards

ER Estate Residential District

3.4 ER District Standards



Minimum Lot Area:

- 1 acre

Minimum Lot Width:

- 200 feet

Maximum Lot Depth:

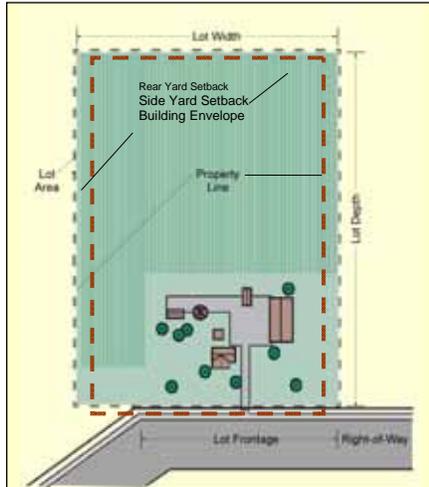
- 3.5 times the lot width

Minimum Lot Frontage:

- 100% of the lot width on a public street with access from said public street

Sewer and Water:

- May use public water and sewer or private well and septic systems



Minimum Front Yard Setback:

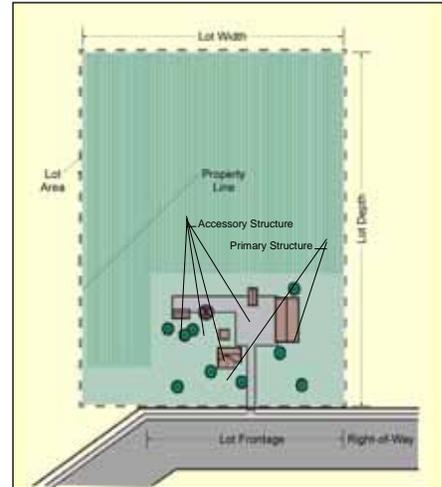
- 50 feet when adjacent to an Arterial Rd
- 50 feet when adjacent to a Collector Rd
- 50 feet when adjacent to a Local Road

Minimum Side Yard Setback:

- 25 feet

Minimum Rear Yard Setback:

- 25 feet



Maximum Lot Coverage:

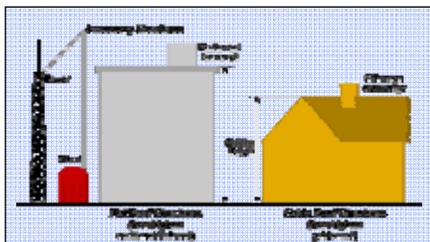
- Square footage of all primary and accessory structures, and impervious surface cannot exceed 10% of the Lot Area

Minimum Living Area:

- 2,000 square feet (primary use dwelling)
- 800 square feet (accessory use dwelling)

Minimum Ground Floor Area:

- 40% of the total living area



Maximum Structure Height:

- 35 feet for the Primary Structure
- 25 feet for Accessory Structures
- All telecommunication facilities shall conform to the requirements of Article 6

Additional Development Standards That Apply

Lot/Yard, Standards..... (LY)	Sight Visibility Standards.....(SV)
Height Standards.....(HT)	Public Improvement Standards.....(PI)
Septic Tank Standards.....(ST)	Fence and Wall Standards.....(FW)
Accessory Use/ Structure Standards.....(AS)	Parking Standards.....(PK)
Architectural Standards.....(AA)	Loading Standards.....(LD)
Home Occupations Standards.....(HO)	Landscaping Standards.....(LA)
Day Care Facilities Standards.....(DCF)	Buffer Yard Standards.....(BY)
Personal Care Home Standards.....(PCH)	Outdoor Lighting Standards.....(OL)
Places of Worship Standards.....(POW)	Telecommunication Facility.....(TF)
Public/ Private School Standards.....(PPP)	Sign Standards.....(SS)
Performance Standards.....(PS)	

Article Three – Zoning District Intent, Uses & Standards

RS-180 Residential District

3.5 RS-180 District Intent, Permitted Uses and Conditional Uses

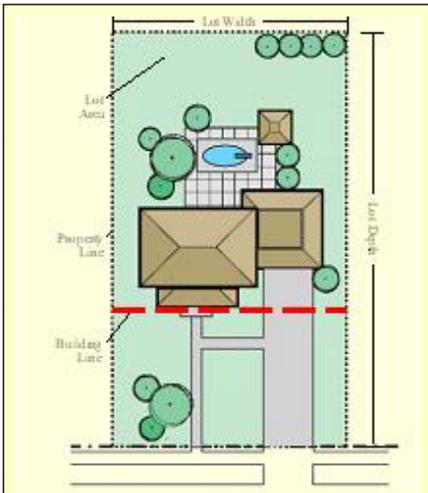
<p>District Intent</p> <p>The “RS-180” District provide for the development of single-family detached homes on individual lots in a suburban character. The provisions that regulate this land use district provides for the development of low to medium density residential neighborhoods.</p> <p>This district should be protected from conflicting land uses and be located in proximity to “AG” districts in a way that does not inhibit farming practices. The County should strive to promote an average net density of 2.0 to 2.5 dwelling units per acre community-wide in the “RS-180” district.</p>	<p>Permitted Uses</p> <p>Residential Uses</p> <ul style="list-style-type: none"> • Dwelling, single-family • Family day-care home • Home occupation (type I) • Boarding house/ group home/ personal care home having 5 or less prsons <p>Institutional/Public Uses</p> <ul style="list-style-type: none"> • Nature preserve/ passive recreation trail • Parks and playgrounds • Police, fire, rescue • Public/ government buildings and offices • Public structures and uses in accord with the intent of this district <p>Communication/Utilities</p> <ul style="list-style-type: none"> • Public wellfield/ pump house • Water tower • Utility substation <p>Accessory Uses</p> <ul style="list-style-type: none"> • Carports and garages • Parking of one unoccupied travel trailer, motor coach, or pleasure boat owned or used by the property owner on which it is located • Private recreation areas owned, operated, and maintained exclusively for residents of subdivisions, multiple family, or manufactured housing developments • Storage and utility buildings 	<p>Conditional Uses</p> <p>Residential Uses</p> <ul style="list-style-type: none"> • Assisted living/retirement facility/ nursing home • Boarding house/ group home/ personal care home having 6 or more persons • Dwelling, single family (accessory, as an additional dwelling, including mother-in-law suites) • Home occupation (type II) • Residential facility for developmentally disabled/mentally ill <p>Institutional/Public Uses</p> <ul style="list-style-type: none"> • Educational institutions/ schools (P-12) • Places of Worship, Theaters, and Amphitheaters • Publicly owned parks and recreation areas <p>Communication/Utilities</p> <ul style="list-style-type: none"> • Wireless telecommunications facility/ tower
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<p>Use Notes and Subdivision Specifications</p> <ul style="list-style-type: none"> • The Use Matrix at the end of this Article provides detailed use listings. • The Overlay Districts shall apply as specified in Article 4 of this Ordinance. • Any district may be rezoned to “PUD” (Planned Unit Development) as specified in Article 7 pf this Ordinance. • The subdivision of land in this district shall be consistent with the specifications of the Clayton County Subdivision Ordinance.

Article Three – Zoning District Intent, Uses & Standards

RS-180 Residential District

3.6 RS-180 District Standards



Minimum Lot Area:

- 18,000 square feet

Minimum Lot Width:

- 120 feet

Maximum Lot Depth:

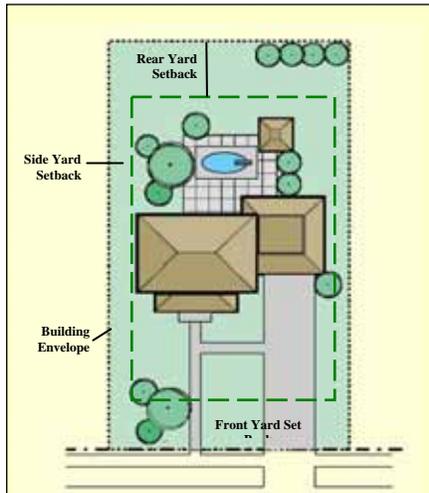
- 2.5 times the lot width

Minimum Lot Frontage:

- 100% of the lot width on a public street with access from said public street

Sewer and Water:

- Connection to public water and sewer is preferred



Minimum Front Yard Setback:

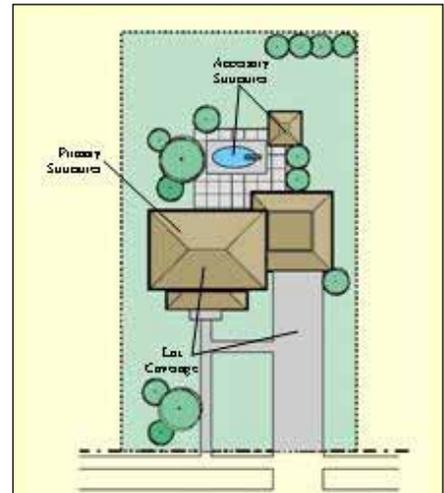
- 50 feet when adjacent to an Arterial Rd
- 35 feet when adjacent to a Collector Rd
- 30 feet when adjacent to a Local Road

Minimum Side Yard Setback:

- 10 feet each side
- 20 feet total

Minimum Rear Yard Setback:

- 25 feet

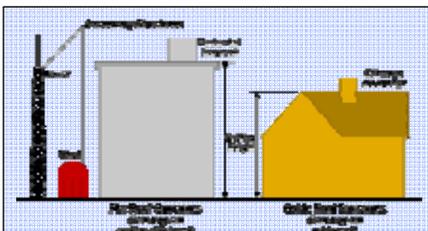


Maximum Lot Coverage:

- square footage of all primary and accessory structures, and impervious surface cannot exceed 35% of the Lot Area.

Minimum Living Area:

- 2,000 square feet of heated area for 2 story (primary use dwelling)
- 1,800 square feet of heated area for 1 story (primary use dwelling)
- 800 square feet (accessory use dwelling)



Maximum Structure Height:

- 35 feet for the Primary Structure
- 25 feet for Accessory Structures
- All telecommunication facilities shall conform to the requirements of Article 6

Additional Development Standards That Apply

Lot/Yard, Standards (LY)	Sight Visibility Standards (SV)
Height Standards (HT)	Public Improvement Standards (PI)
Septic Tank Standards (ST)	Fence and Wall Standards (FW)
Accessory Use/ Structure Standards (AS)	Parking Standards (PK)
Architectural Standards (AA)	Loading Standards (LD)
Home Occupations Standards (HO)	Landscaping Standards (LA)
Day Care Facilities Standards (DCF)	Buffer Yard Standards (BY)
Personal Care Home Standards (PCH)	Outdoor Lighting Standards (OL)
Places of Worship Standards (POW)	Telecommunication Facility (TF)
Public/ Private School Standards (PPP)	Sign Standards (SS)
Performance Standards (PS)	

Article Three – Zoning District Intent, Uses & Standards

RS-110 Residential District

3.7 RS-110 District Intent, Permitted Uses and Conditional Uses

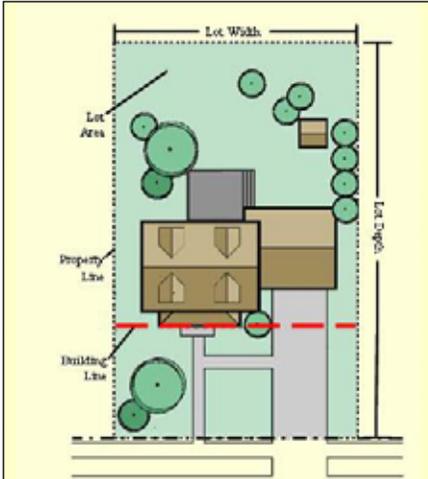
<p>District Intent</p> <p>The “RS-110” District is intended to provide for the development of single-family detached homes on moderate-sized lots which are served by public water and sewer systems. The provisions that regulate this land use district provides for the development of residential neighborhoods in a medium-density urban development environment. This district should be protected from conflicting land uses. The County should strive to promote an average net density of 2.5 to 3.5 dwelling units per acre community-wide in the “RS-110” district.</p>	<p>Permitted Uses</p> <p>Residential Uses</p> <ul style="list-style-type: none"> • Dwelling, single-family • Family day-care home • Home occupation (type I) • Boarding house/ group home/ personal care home having 5 or less persons <p>Institutional/Public Uses</p> <ul style="list-style-type: none"> • Nature preserve/ passive recreation trail • Parks and playgrounds • Police, fire, rescue • Public/ government buildings and offices • Public structures and uses in accord with the intent of this district <p>Communication/Utilities</p> <ul style="list-style-type: none"> • Public wellfield/ pump house • Water tower • Utility substation <p>Accessory Uses</p> <ul style="list-style-type: none"> • Carports and garages • Parking of one unoccupied travel trailer, motor coach, or pleasure boat owned or used by the property owner on which it is located • Private recreation areas owned, operated, and maintained exclusively for residents of subdivisions, multiple family, or manufactured housing developments • Storage and utility buildings 	<p>Conditional Uses</p> <p>Residential Uses</p> <ul style="list-style-type: none"> • Assisted living/retirement facility/ nursing home • Boarding house/ group home/ personal care home having 6 or more persons • Home occupation (type II) • Residential facility for developmentally disabled/mentally ill <p>Institutional/Public Uses</p> <ul style="list-style-type: none"> • Educational institutions/ schools (P-12) • Places of Worship, Theaters, and Amphitheaters • Publicly owned parks and recreation areas <p>Communication/Utilities</p> <ul style="list-style-type: none"> • Wireless telecommunications facility/ tower
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<p>Use Notes and Subdivision Specifications</p> <ul style="list-style-type: none"> • The Use Matrix at the end of this Article provides detailed use listings. • The Overlay Districts shall apply as specified in Article 4 of this Ordinance. • Any district may be rezoned to “PUD” (Planned Unit Development) as specified in Article 7 of this Ordinance. • The subdivision of land in this district shall be consistent with the specifications of the Clayton County Subdivision Ordinance.

Article Three – Zoning District Intent, Uses & Standards

RS-110 Residential District

3.8 RS-110 District Standards



Minimum Lot Area:

- 11,250 square feet

Minimum Lot Width:

- 75 feet

Maximum Lot Depth:

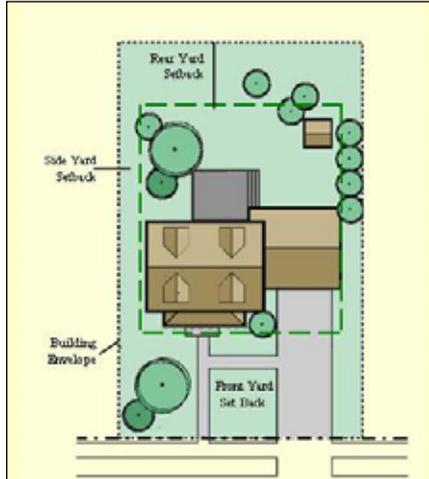
- 2.5 times the lot width

Minimum Lot Frontage:

- 100% of the lot width on a public street with access from said public street

Sewer and Water:

- Connection to public water and sewer is required



Minimum Front Yard Setback:

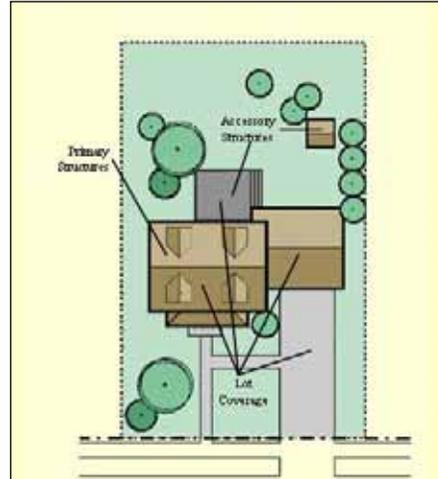
- 40 feet when adjacent to an Arterial Rd
- 35 feet when adjacent to a Collector Rd
- 30 feet when adjacent to a Local Road

Minimum Side Yard Setback:

- 10 feet each side
- 20 feet total

Minimum Rear Yard Setback:

- 20 feet



Maximum Lot Coverage:

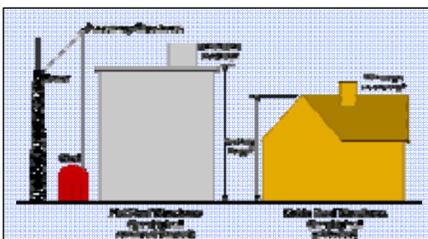
- Square footage of all primary and accessory structures, and impervious surface cannot exceed 45% of the Lot Area.

Minimum living Area:

- 2,000 square feet of heated area for 2 story (primary use dwelling)
- 1,800 square feet of heated area for 1 story (primary use dwelling)

Minimum Ground Floor Area:

- 40% of the total living area



Maximum Structure Height:

- 35 feet for the Primary Structure
- 25 feet for Accessory Structures
- All telecommunication facilities shall conform to the requirements of Article 6

Additional Development Standards That Apply

Lot/Yard, Standards..... (LY)	Sight Visibility Standards..... (SV)
Height Standards..... (HT)	Public Improvement Standards..... (PI)
Septic Tank Standards..... (ST)	Fence and Wall Standards..... (FW)
Accessory Use/ Structure Standards..... (AS)	Parking Standards..... (PK)
Architectural Standards..... (AA)	Loading Standards..... (LD)
Home Occupations Standards..... (HO)	Landscaping Standards..... (LA)
Day Care Facilities Standards..... (DCF)	Buffer Yard Standards..... (BY)
Personal Care Home Standards..... (PCH)	Outdoor Lighting Standards..... (OL)
Places of Worship Standards..... (POW)	Telecommunication Facility..... (TF)
Public/ Private School Standards..... (PPP)	Sign Standards..... (SS)
Performance Standards..... (PS)	

Article Three – Zoning District Intent, Uses & Standards

RG-75 Residential District

3.9 RG-75 District Intent, Permitted Uses and Conditional Uses

District Intent

The “RG-75” District is intended to provide the development of single-family and two-family dwellings served by public water and sewer systems. The provisions that regulate this land use district provides for the development of residential neighborhoods in a medium-density urban environment.

This district should be protected from conflicting land uses. Clayton County should strive to promote an average net density of 4.0 to 5.5 dwelling units per acre community-wide in the “RG-75” district.

- Permitted Uses**
- Residential Uses**
- Dwelling, single-family detached
 - Dwelling, two-family
 - Family day-care home
 - Home occupation (type I)
 - Boarding house/ group home/ personal care home having 5 or less persons
- Institutional/Public Uses**
- Nature preserve/ passive recreation trail
 - Parks and playgrounds
 - Police, fire, rescue
 - Public/ government buildings and offices
 - Public structures and uses in accord with the intent of this district
- Communication/Utilities**
- Public wellfield/ pump house
 - Water tower
 - Utility substation
- Accessory Uses**
- Carports and garages
 - Parking of one unoccupied travel trailer, motor coach, or pleasure boat owned or used by the property owner on which it is located
 - Private recreation areas owned, operated, and maintained exclusively for residents of subdivisions, multiple family, or manufactured housing developments
 - Storage and utility buildings

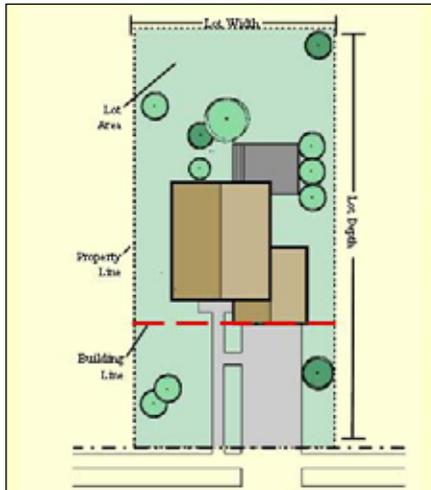
- Conditional Uses**
- Residential Uses**
- Assisted living/retirement facility/ nursing home
 - Boarding house/ group home/ personal care home having 6 or more persons
 - Home occupation (type II)
 - Residential facility for developmentally disabled/mentally ill
- Institutional/Public Uses**
- Educational institutions/ schools (P-12)
 - Places of Worship, Theaters, and Amphitheaters
 - Publicly owned parks and recreation areas
- Communication/Utilities**
- Wireless telecommunications facility/ tower

- Use Notes and Subdivision Specifications**
- The Use Matrix at the end of this Article provides detailed use listings.
 - The Overlay Districts shall apply as specified in Article 4 of this Ordinance.
 - Any district may be rezoned to “PUD” (Planned Unit Development) as specified in Article 7 of this Ordinance.
 - The subdivision of land in this district shall be consistent with the specifications of the Clayton County Subdivision Ordinance.

Article Three – Zoning District Intent, Uses & Standards

RG-75 Residential District

3.10 RG-75 District Standards



Minimum Lot Area:

- 10,000 square feet (single-family)
- 15,000 square feet (two-family)

Minimum Lot Width:

- 75 feet (single-family)
- 100 feet (two-family)

Maximum Lot Depth:

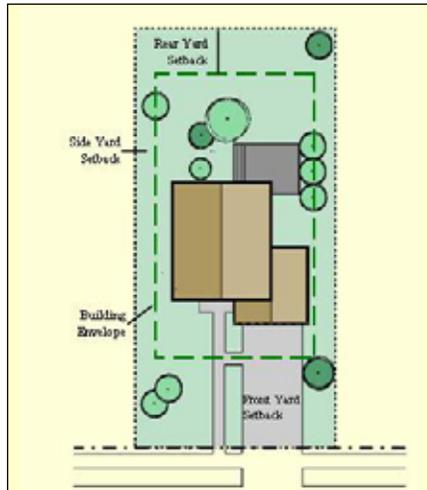
- 2.5 times the lot width

Minimum Lot Frontage:

- 100% of the lot width on a public street with access from said public street

Sewer and Water:

- Connection to public water and sewer preferred



Minimum Front Yard Setback:

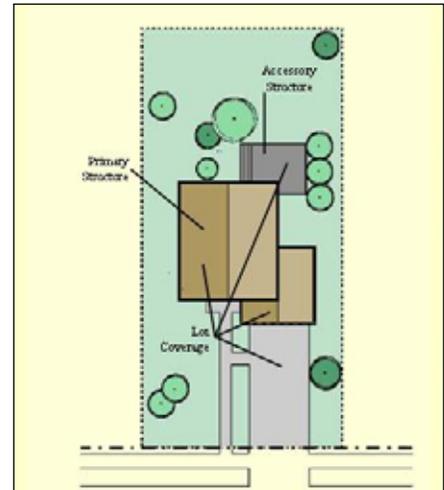
- 40 feet when adjacent to an Arterial Rd
- 35 feet when adjacent to a Collector Rd
- 30 feet when adjacent to a Local Road

Minimum Side Yard Setback:

- 10 feet each side
- 20 feet total

Minimum Rear Yard Setback:

- 15 feet



Maximum Lot Coverage:

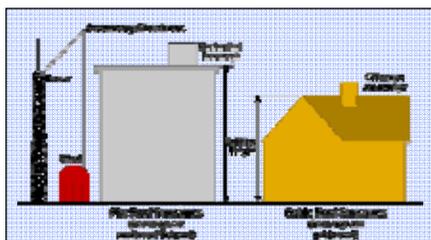
- Square footage of all primary and accessory structures, and impervious surface cannot exceed 55% of the Lot Area.

Minimum living Area:

- 850 square feet for 1-bedroom unit
- 1,050 square feet for 2 bedroom unit
- 1,300 square feet for 3-bedroom unit

Minimum Ground Floor Area:

- 40% of the total living area



Maximum Structure Height:

- 35 feet for the Primary Structure
- 25 feet for Accessory Structures
- All telecommunication facilities shall conform to the requirements of Article 6

Additional Development Standards That Apply

Lot/Yard, Standards..... (LY)	Sight Visibility Standards..... (SV)
Height Standards (HT)	Public Improvement Standards..... (PI)
Septic Tank Standards (ST)	Fence and Wall Standards (FW)
Accessory Use/ Structure Standards (AS)	Parking Standards..... (PK)
Architectural Standards (AA)	Loading Standards..... (LD)
Home Occupations Standards..... (HO)	Landscaping Standards..... (LA)
Day Care Facilities Standards (DCF)	Buffer Yard Standards..... (BY)
Personal Care Home Standards (PCH)	Outdoor Lighting Standards (OL)
Places of Worship Standards..... (POW)	Telecommunication Facility..... (TF)
Public/ Private School Standards..... (PPP)	Sign Standards..... (SS)
Performance Standards (PS)	

Article Three – Zoning District Intent, Uses & Standards

RM Multiple Family Residential District

3.11 RM District Intent, Permitted Uses and Conditional Uses

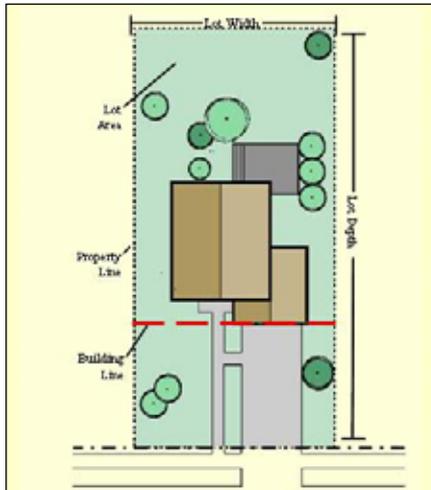
<p>District Intent</p> <p>The “RM” District is intended to provide the development of multiple-family dwellings served by public water and sewer systems and located on through streets classified as major collector streets or higher. The provisions that regulate this land use district provides for the development of residential neighborhoods in a medium-density urban environment.</p> <p>This district should be protected from conflicting land uses. The Planning Commission and Board of Zoning Appeals should strive to promote an average net density of 8.0 to 14.0 dwelling units per acre community-wide in the “RM” district.</p>	<p>Permitted Uses</p> <p>Residential Uses</p> <ul style="list-style-type: none"> • Dwelling, multiple family dwellings • Row homes, townhomes, or condominiums • Family day care home • Home occupation (type I) <p>Institutional/Public Uses</p> <ul style="list-style-type: none"> • Nature preserve/ passive recreation trail • Parks and playgrounds • Police, fire, rescue • Public/ government buildings and offices • Public structures and uses in accord with the intent of this district <p>Communication/Utilities</p> <ul style="list-style-type: none"> • Public wellfield/ pump house • Water tower • Utility substation <p>Accessory Uses</p> <ul style="list-style-type: none"> • Carports and garages 	<p>Conditional Uses</p> <p>Residential Uses</p> <ul style="list-style-type: none"> • Assisted living/retirement facility/ nursing home • Home occupation (type II) • Residential facility for developmentally disabled/mentally ill <p>Institutional/Public Uses</p> <ul style="list-style-type: none"> • Educational institutions/ schools (P-12) <p>Communication/Utilities</p> <ul style="list-style-type: none"> • Wireless telecommunications facility/tower
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<p>Use Notes and Subdivision Specifications</p> <ul style="list-style-type: none"> • The Use Matrix at the end of this Article provides detailed use listings. • The Overlay Districts shall apply as specified in Article 4 of this Ordinance. • Any district may be rezoned to “PUD” (Planned Unit Development) as specified in Article 7 of this Ordinance. • The subdivision of land in this district shall be consistent with the specifications of the Clayton County Subdivision Ordinance.

Article Three – Zoning District Intent, Uses & Standards

RM Multiple Family Residential District

3.12 RM District Standards



Minimum Lot Area:

- 10 acres, with 3600 square feet per dwelling unit

Minimum Lot Width:

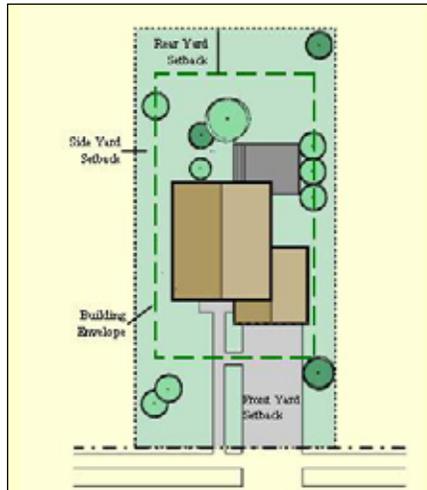
- 150 feet

Minimum Lot Frontage:

- 100% of the lot width on a public street with access from said public street

Sewer and Water:

- Connection to public water and sewer required



Minimum Front Yard Setback:

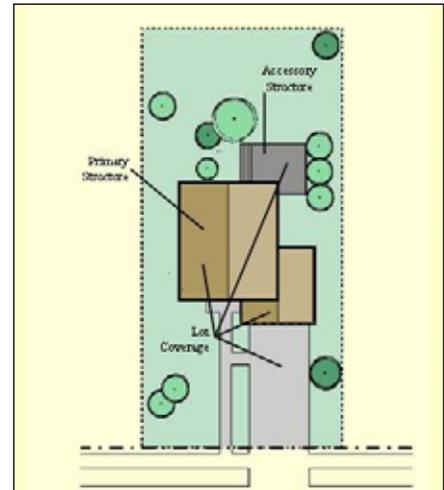
- 15 feet when adjacent to an Arterial Rd
- 10 feet when adjacent to a Collector Rd
- 10 feet when adjacent to a Private Road

Minimum Side Yard Setback:

- 20 feet each side of singular structures

Minimum Rear Yard Setback:

- 15 feet



Maximum Lot Coverage:

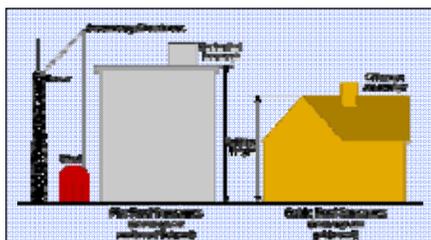
- Square footage of all primary and accessory structures and impervious surface cannot exceed 50% of the Lot Area.

Minimum living Area:

- 750 square feet for one-bedroom unit
- 1,000 square feet for two-bedroom unit
- 1,250 square feet for three or more bedrooms

Required Open Space:

- 5% of the total gross acreage and must include an amenity package such as, playground, recreation fields, tennis courts, pool, gazebo, or other passive recreation options as determined by the Zoning Administrator.



Maximum Structure Height:

- 75 feet for the Primary Structure
- 25 feet for Accessory Structures
- All telecommunication facilities shall conform to the requirements of Article 6

Additional Development Standards That Apply

Lot/Yard, Standards..... (LY)	Sight Visibility Standards..... (SV)
Height Standards (HT)	Public Improvement Standards..... (PI)
Septic Tank Standards..... (ST)	Fence and Wall Standards (FW)
Accessory Use/ Structure Standards (AS)	Parking Standards..... (PK)
Architectural Standards (AA)	Loading Standards..... (LD)
Home Occupations Standards..... (HO)	Landscaping Standards..... (LA)
Day Care Facilities Standards (DCF)	Buffer Yard Standards..... (BY)
Personal Care Home Standards (PCH)	Outdoor Lighting Standards (OL)
Places of Worship Standards (POW)	Telecommunication Facility..... (TF)
Public/ Private School Standards..... (PPP)	Sign Standards..... (SS)
Performance Standards (PS)	

Article Three – Zoning District Intent, Uses & Standards

RMH Mobile Home District

3.13 RMH District Intent, Permitted Uses and Conditional Uses

<p>District Intent</p> <p>The “RMH” District is intended to provide a land use district for manufactured home parks in the community as attractive and decent affordable housing. Manufactured Home Parks shall be in accordance with O.C.G.A. § 8-2-160 through 168, the State Board of Health Requirements, and the requirements of this Ordinance. This district should be within close proximity to parks, open space, services and retail establishments and avoid locations near conflicting land uses. Clayton County should strive to promote an average net density of 7 to 9 dwelling units per acre community-wide in the “RMH” district.</p>	<p>Permitted Uses</p> <p>Residential Uses</p> <ul style="list-style-type: none"> • Manufactured home (type I) • Manufactured home (type II) • Manufactured home (type III) • Dwelling, mobile home • Family day care home • Home occupation (type I) <p>Institutional/Public Uses</p> <ul style="list-style-type: none"> • Nature preserve/ passive recreation trail • Parks and playgrounds • Police, fire, rescue • Public/ government buildings and offices in accord with the intent of this district <p>Communication/Utilities</p> <ul style="list-style-type: none"> • Public wellfield/ pump house • Water tower • Utility substation <p>Accessory Uses</p> <ul style="list-style-type: none"> • Carports • private recreation areas owned, operated, and maintained exclusively for residents of subdivisions, multiple family, or manufactured housing developments • Storage and utility buildings 	<p>Conditional Uses</p> <p>Residential Uses</p> <ul style="list-style-type: none"> • Assisted living/retirement facility/ nursing home • Home occupation (type II) • Residential facility for developmentally disabled/mentally ill <p>Institutional/Public Uses</p> <ul style="list-style-type: none"> • Educational institutions/ schools (P-12) <p>Communication/Utilities</p> <ul style="list-style-type: none"> • Wireless telecommunications facility/ tower
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<p>Use Notes and Subdivision Specifications</p> <ul style="list-style-type: none"> • The Use Matrix at the end of this Article provides detailed use listings. • The Overlay Districts shall apply as specified in Article 4 of this Ordinance. • Any district may be rezoned to “PUD” (Planned Unit Development) as specified in Article 7 of this Ordinance. • The subdivision of land in this district shall be consistent with the specifications of the Clayton County Subdivision Ordinance.

Article Three – Zoning District Intent, Uses & Standards

RMH Mobile Home District

3.14 RMH District Intent Standards



Minimum Lot Area:

- 20 acres

Minimum Lot Width:

- 300 feet

Minimum Lot Frontage:

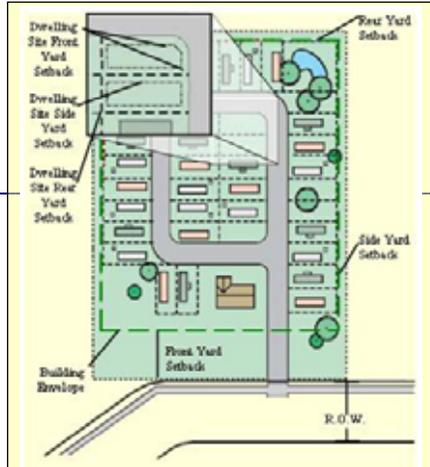
- 100% of the lot width on a public street with access from said public street

Minimum Front Yard Setback:

- 50 feet when adjacent to an Arterial Rd
- 40 feet when adjacent to a Collector Rd
- 30 feet when adjacent to a Local Road

Minimum Side & Rear Yard Setback:

- 30 feet



Minimum Dwelling Site Size:

- 4,000 square feet

Minimum Dwelling Site Width:

- 40 feet

Maximum Dwelling Site Depth:

- 3.5 times the Lot Width

Minimum Dwelling Site Front Yard Setback:

- 10 feet from edge of pavement of interior roads

Minimum Dwelling Site Side & Rear Yard Setback:

- 7 feet



Maximum Lot Coverage:

- All primary and accessory structures, and impervious surface can not exceed 65% of the lot area.

Minimum Common Open Space:

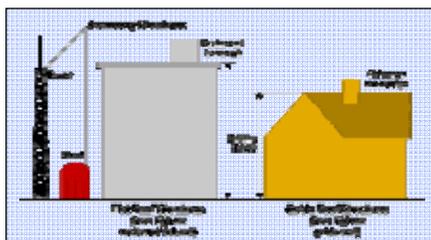
- 10% (usable)

Minimum Living Area/Dwelling Unit:

- 750 square feet

Sewer and Water:

- Requires connection to public water and sewer



Maximum Structure Height:

- 24 feet for the Primary Structure
- 15 feet for Accessory Structures
- All telecommunication facilities shall conform to the requirements of Article 6

Additional Development Standards That Apply

Lot/Yard, Standards..... (LY)	Sight Visibility Standards..... (SV)
Height Standards..... (HT)	Public Improvement Standards..... (PI)
Septic Tank Standards..... (ST)	Fence and Wall Standards..... (FW)
Accessory Use/ Structure Standards.... (AS)	Parking Standards..... (PK)
Architectural Standards..... (AA)	Loading Standards..... (LD)
Home Occupations Standards..... (HO)	Landscaping Standards..... (LA)
Places of Worship Standards..... (POW)	Buffer Yard Standards..... (BY)
Public/ Private School Standards..... (PPP)	Outdoor Lighting Standards..... (OL)
Performance Standards..... (PS)	Telecommunication Facility..... (TF)
Mobile Home Standards..... (MS)	Sign Standards..... (SS)

Article Three – Zoning District Intent, Uses & Standards

OI Office-Institutional District

3.15 OI District Intent, Permitted Uses and Conditional Uses

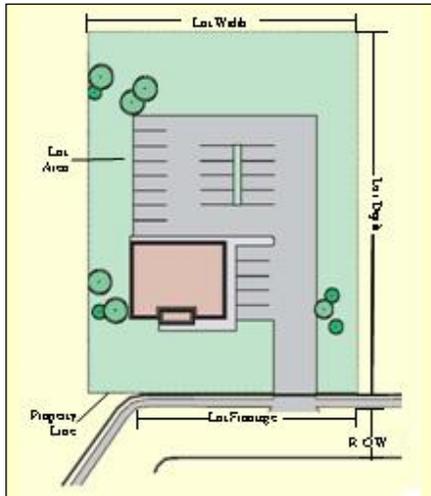
<p>District Intent</p> <p>The “OI” District is intended to provide a land use category for offices, banks, and personal business services which can serve as a transitional area between residential and commercial districts. The provisions that regulate this land use district promote appropriate office and institutional uses that are clearly non-conflicting with residential areas of Clayton County.</p>	<p>Permitted Uses</p> <p><u>Office/ Institutional Uses</u></p> <ul style="list-style-type: none"> • Assisted living/retirement facility • Banks • Child and adult day care centers • Churches and similar religious facilities • Dental offices and clinics • Group day care home • Hospitals • Medical offices, clinics and physical therapy facility • Nursing home and assisted living facilities • Professional and business offices • Parking lots and structures • Residential facility for developmentally disabled/mentally ill • Any accessory building and uses customarily incidental to the above permitted uses <p><u>Public Uses</u></p> <ul style="list-style-type: none"> • Public/ Government buildings and offices • Police, Fire, Rescue • Parking lots and structures • Any accessory building and uses customarily incidental to the above permitted uses <p><u>Business Uses</u></p> <p>Retail uses normally appurtenant to office/institutional uses that are developed as part of an office/ institutional complex, which do not exceed 20 percent of the total floor area. These uses may include, but may not be limited to:</p> <ul style="list-style-type: none"> • Cafeterias, snack shops, and sit-in restaurants • Corrective garments or bandage shops • Florist shops • Gift shops • Pharmacy 	<p>Conditional Uses</p> <p><u>Office/ Institutional Uses</u></p> <ul style="list-style-type: none"> • Colleges, universities, and vocational technical schools • Private clubs, fraternal organizations, and lodge halls <p><u>Public Uses</u></p> <ul style="list-style-type: none"> • Museums and art galleries • Public utility buildings, including telephone exchange buildings, transformer stations, substations, and gas regulator stations, but not including storage yards <p><u>Business Uses</u></p> <ul style="list-style-type: none"> • Funeral home • Mortuary establishments • Veterinary clinics, when such use is conducted entirely within an enclosed building. No animal kennels or animal runs shall be allowed outside the principle building. <p><u>Communication/Utilities</u></p> <ul style="list-style-type: none"> • Utility substation, public wellfield/pump house, water tower • Wireless telecommunications facility
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<p>Use Notes and Subdivision Specifications</p> <ul style="list-style-type: none"> • The Use Matrix at the end of this Article provides detailed use listings. • The Overlay Districts shall apply as specified in Article 4 of this Ordinance. • Any district may be rezoned to “PUD” (Planned Unit Development) as specified in Article 7 of this Ordinance. • The subdivision of land in this district shall be consistent with the specifications of the Clayton County Subdivision Ordinance.

Article Three – Zoning District Intent, Uses & Standards

OI Office- Institutional District

3.16 OI District Standards



Minimum Lot Area:

- 10,000 square feet

Minimum Lot Width:

- 100 feet

Maximum Lot Depth:

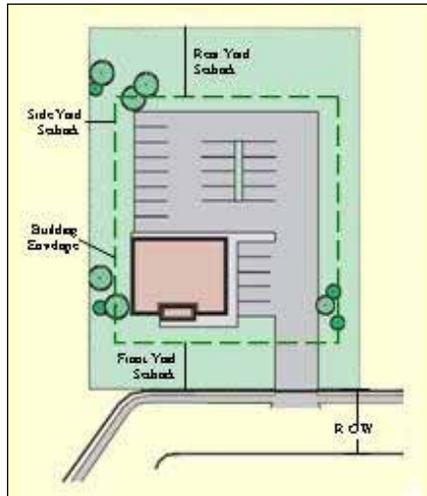
- 2.5 times the lot width

Minimum Lot Frontage:

- 100 feet on a public and/ or private street with access from said public and/ or private street

Sewer and Water:

- Requires connection to public water and sewer



Minimum Front Yard Setback:

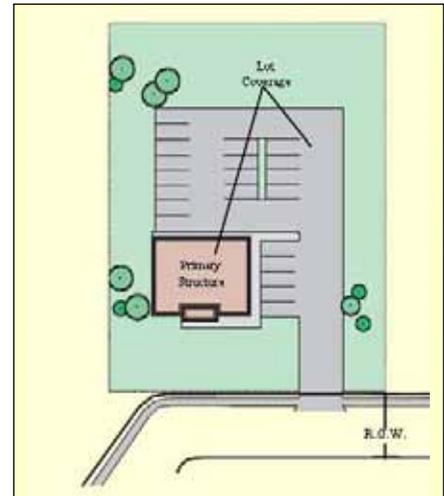
- 40 feet when adjacent to an Arterial Rd
- 30 feet when adjacent to a Collector Rd
- 20 feet when adjacent to a Local Road
- 20 feet when adjacent to a Private Road

Minimum Side Yard Setback:

- 10 feet

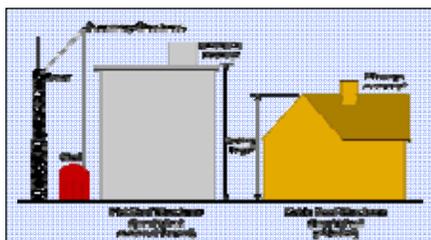
Minimum Rear Yard Setback:

- 20 feet



Maximum Lot Coverage:

- All primary and accessory structures, and impervious surface can not exceed 70% of the lot area.



Maximum Structure Height:

- 75 feet for the Primary Structure
- 25 feet for Accessory Structures
- All telecommunication facilities shall conform to the requirements of Article 6

Additional Development Standards That Apply

Lot/Yard, Standards..... (LY)	Sight Visibility Standards..... (SV)
Height Standards..... (HT)	Public Improvement Standards..... (PI)
Septic Tank Standards..... (ST)	Fence and Wall Standards..... (FW)
Accessory Use/ Structure Standards (AS)	Large Scale Retail Standards..... (LR)
Architectural Standards..... (AC)	Parking Standards..... (PK)
Home Occupations Standards..... (HO)	Loading Standards..... (LD)
Day Care Facilities Standards..... (DCF)	Landscaping Standards..... (LA)
Personal Care Home Standards..... (PCH)	Buffer Yard Standards..... (BY)
Places of Worship Standards..... (POW)	Outdoor Lighting Standards..... (OL)
Public/ Private School Standards..... (PPP)	Telecommunication Facility..... (TF)
Performance Standards..... (PS)	Sign Standards..... (SS)

Article Three – Zoning District Intent, Uses & Standards

NB Neighborhood Business District

3.17 NB District Intent, Permitted Uses and Conditional Uses

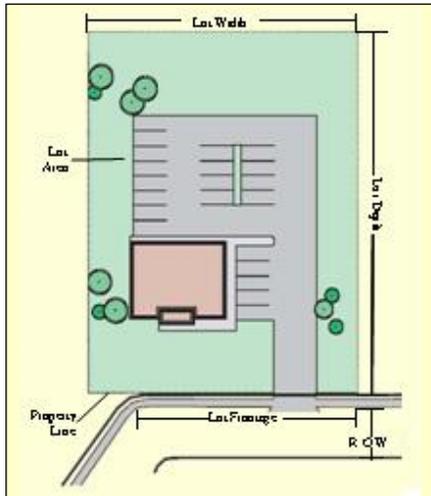
<p>District Intent</p> <p>The “NB” District is intended to provide a land use category for the development of retail and business uses that provide products and services to neighborhoods. The provisions that regulate this land use district promote appropriate commercial uses that are clearly non-conflicting with residential areas of Clayton County.</p>	<p>Permitted Uses</p> <p>Retail/ Business Uses</p> <ul style="list-style-type: none"> • Banks and loan associations • Barber shop and beauty salon • Bookstores • Clothing and apparel store • Convenience stores • Coin laundry, dry cleaning, and pick up stations, dealing directly with the customer • Discount stores • Drug stores • Florist and gift shops • Fruit markets • Grocery Store • Group day care home • Hardware Store • Jewelry store • Pharmacy • Photographic studio • Professional offices • Repair shops (watches, radio, television, shoe, and etc.) • Restaurants (No Drive Through) • Any accessory building and uses customarily incidental to the above permitted uses <p>Institutional/Public Uses</p> <ul style="list-style-type: none"> • Museums and art galleries • Public/ Government buildings and offices • Police, Fire, Rescue • Post office • Any accessory building and uses customarily incidental to the above permitted uses <p>Communication/Utilities</p> <ul style="list-style-type: none"> • Public wellfield/ pump house • Utility substation • Water tower 	<p>Conditional Uses</p> <p>Institutional/Business Uses</p> <ul style="list-style-type: none"> • Child and adult day care center • Assisted living/retirement facility • Nursing home <p>Communication/Utilities</p> <ul style="list-style-type: none"> • Wireless telecommunications facility/ tower
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<p>Use Notes and Subdivision Specifications</p> <ul style="list-style-type: none"> • The Use Matrix at the end of this Article provides detailed use listings. • The Overlay Districts shall apply as specified in Article 4 of this Ordinance. • Any district may be rezoned to “PUD” (Planned Unit Development) as specified in Article 7 of this Ordinance. • The subdivision of land in this district shall be consistent with the specifications of the Clayton County Subdivision Ordinance.

Article Three – Zoning District Intent, Uses & Standards

NB Neighborhood Business District

3.18 NB District Standards



Minimum Lot Area:

- 10,000 square feet

Minimum Lot Width:

- 100 feet

Maximum Lot Depth:

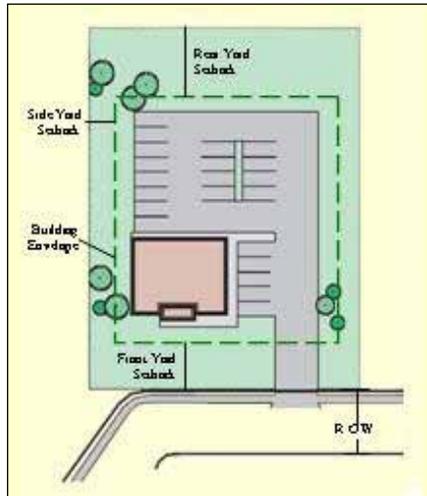
- None

Minimum Lot Frontage:

- 70 feet on a public and/ or private street with access from said public and/ or private street

Sewer and Water:

- Connection to public water and sewer is encouraged



Minimum Front Yard Setback:

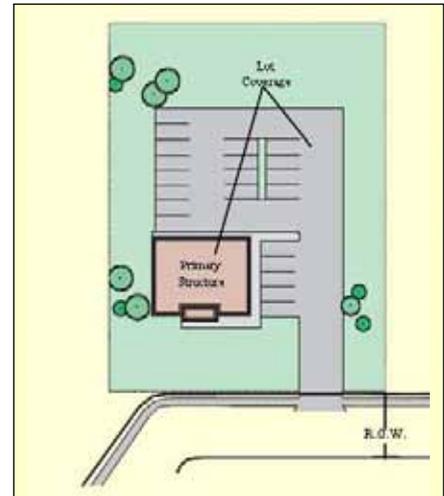
- 25 feet when adjacent to an Arterial Rd
- 20 feet when adjacent to a Collector Rd
- 20 feet when adjacent to a Local Road
- 20 feet when adjacent to a Private Road

Minimum Side Yard Setback:

- 0 feet
- 10 feet, when interior wall has no windows, doors, or other openings

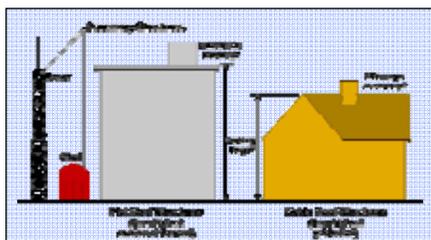
Minimum Rear Yard Setback:

- 10 feet



Maximum Lot Coverage:

- All primary and accessory structures, and impervious surface can not exceed 70% of the lot area.



Maximum Structure Height:

- 35 feet for the Primary Structure
- 25 feet for Accessory Structures
- All telecommunication facilities shall conform to the requirements of Article 6

Additional Development Standards That Apply

- Lot/Yard, Standards..... (LY)
- Height Standards(HT)
- Septic Tank Standards..... (ST)
- Accessory Use/ Structure Standards(AS)
- Architectural Standards(AC)
- Home Occupations Standards.....(HO)
- Day Care Facilities Standards (DCF)
- Personal Care Home Standards (PCH)
- Places of Worship Standards(POW)
- Public/ Private School Standards.....(PPP)
- Performance Standards(PS)

- Sight Visibility Standards.....(SV)
- Public Improvement Standards.....(PI)
- Fence and Wall Standards(FW)
- Large Scale Retail Standards.....(LR)
- Parking Standards.....(PK)
- Loading Standards.....(LD)
- Landscaping Standards.....(LA)
- Buffer Yard Standards.....(BY)
- Outdoor Lighting Standards(OL)
- Telecommunication Facility.....(TF)
- Sign Standards.....(SS)

Article Three – Zoning District Intent, Uses & Standards

CB Community Business District

3.19 CB District Intent, Permitted Uses and Conditional Uses

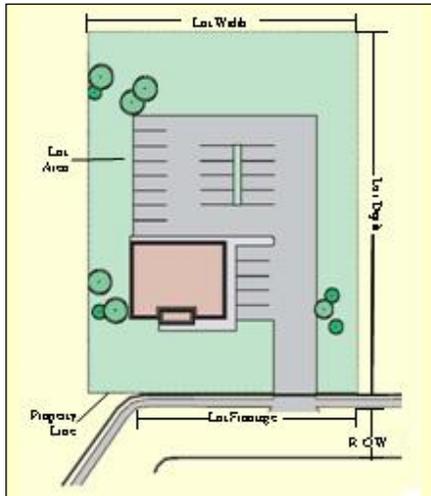
<p>District Intent</p> <p>The “CB” District is intended to provide a land use category for commercial uses that provide products and services to a larger consumer population than is served by the neighborhood business district. The provisions that regulate this land use district promote appropriate commercial uses that are cohesively designed and served by common parking areas.</p>	<p>Permitted Uses</p> <p>Business Uses</p> <ul style="list-style-type: none"> • Any use permitted in the Neighborhood Business (NB) district • Antique shops, provided that there is no outdoor display or storage • Automobile service stations, including gasoline sales • Catering establishments • Child and adult day care center • Commercial parking garages and lots • Department stores • Dry cleaning agencies, pressing establishments, and laundry pick-up stations • Fitness centers and gyms • Furniture sales and showrooms • Gasoline sales • Hotels and motels • Indoor recreation, including bowling alleys, pool rooms, electronic gaming machines, and etc. • Pet shops having no outside kennels • Private Clubs, fraternal organizations, and lodge halls • Professional/ business schools and colleges or other private schools offered for profit • Restaurants • Theaters, assembly halls, concert hall, or similar places of assembly when conducted completely within enclosed building • Any accessory building and uses customarily incidental to the above permitted uses <p>Communication/Utilities</p> <ul style="list-style-type: none"> • Public wellfield/ pump house • Utility substation • Water tower 	<p>Conditional Uses</p> <p>Institutional/Public Uses</p> <ul style="list-style-type: none"> • Nursing homes and personal care homes <p>Business Uses</p> <ul style="list-style-type: none"> • Night club, dance club, tavern and similar private clubs • Package (beer and wine) stores, including the sale of alcoholic beverages by the container <p>Communication/Utilities</p> <ul style="list-style-type: none"> • Wireless telecommunications facility/ tower
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<p>Use Notes and Subdivision Specifications</p> <ul style="list-style-type: none"> • The Use Matrix at the end of this Article provides detailed use listings. • The Overlay Districts shall apply as specified in Article 4 of this Ordinance. • Any district may be rezoned to “PUD” (Planned Unit Development) as specified in Article 7 of this Ordinance. • The subdivision of land in this district shall be consistent with the specifications of the Clayton County Subdivision Ordinance.

Article Three – Zoning District Intent, Uses & Standards

CB Community Business District

3.20 CB District Standards



Minimum Lot Area:

- 5,000 square feet

Minimum Lot Width:

- 100 feet

Maximum Lot Depth:

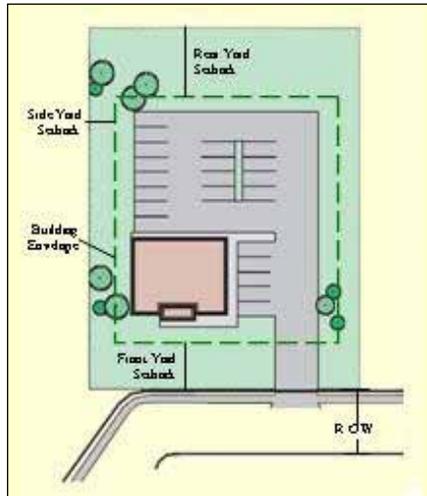
- None

Minimum Lot Frontage:

- 50 feet on a public and/ or private street with access from said public and/ or private street

Sewer and Water:

- Requires connection to public water and sewer



Minimum Front Yard Setback:

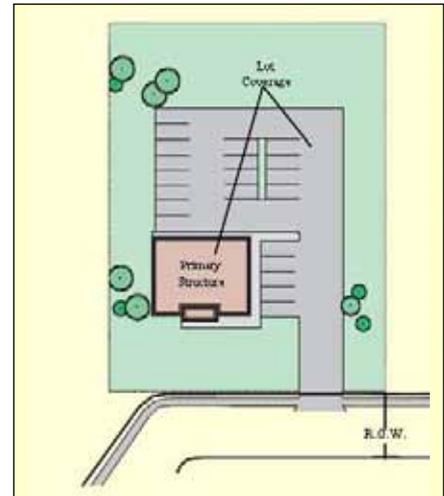
- 20 feet when adjacent to an Arterial Rd
- 20 feet when adjacent to a Collector Rd
- 20 feet when adjacent to a Local Road
- 20 feet when adjacent to a Public Road

Minimum Side Yard Setback:

- 0 feet
- 10 feet, when interior wall has no windows, doors, or other openings

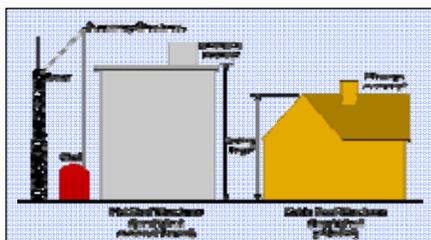
Minimum Rear Yard Setback:

- 10 feet



Maximum Lot Coverage:

- All primary and accessory structures, and impervious surface can not exceed 70% of the lot area.



Maximum Structure Height:

- 35 feet for the Primary Structure
- 25 feet for Accessory Structures
- All telecommunication facilities shall conform to the requirements of Article 6

Additional Development Standards That Apply

Lot/Yard, Standards..... (LY)	Sight Visibility Standards..... (SV)
Height Standards..... (HT)	Public Improvement Standards..... (PI)
Septic Tank Standards..... (ST)	Fence and Wall Standards..... (FW)
Accessory Use/ Structure Standards (AS)	Large Scale Retail Standards..... (LR)
Architectural Standards..... (AC)	Parking Standards..... (PK)
Home Occupations Standards..... (HO)	Loading Standards..... (LD)
Day Care Facilities Standards..... (DCF)	Landscaping Standards..... (LA)
Personal Care Home Standards..... (PCH)	Buffer Yard Standards..... (BY)
Places of Worship Standards..... (POW)	Outdoor Lighting Standards..... (OL)
Public/ Private School Standards..... (PPP)	Telecommunication Facility..... (TF)
Performance Standards..... (PS)	Sign Standards..... (SS)

Article Three – Zoning District Intent, Uses & Standards

GB General Business District

3.21 GB District Intent, Permitted Uses and Conditional Use

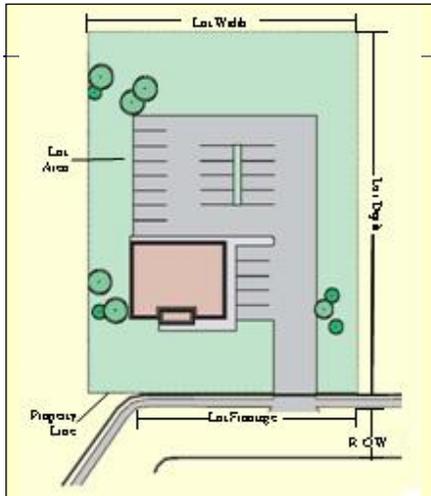
<p>District Intent</p> <p>The “GB” District is intended to provide a land use category for a diversity of commercial uses that provide products and services on a regional level. The provisions that regulate this land use district should promote an appropriate mixture of commercial uses that will allow for improved vehicular circulation and pedestrian movements within Clayton County.</p>	<p>Permitted Uses</p> <p><u>Business Uses</u></p> <ul style="list-style-type: none"> • Any use permitted in the Community Business (CB) district • Automobile broker (located within existing automobile dealership) • Automobile wash/ wax centers • Automobile rental and leasing facilities • Automobile sales (new dealerships) • Automobile service repair stations providing minor repair • Bus terminals • Dancing schools and other group instruction • Palm readers/ psychics/ fortune tellers • Pet shops • Restaurants and other establishments with a drive-through configuration • Retail warehouses/ wholesales providing sales of merchandise with no outdoor storage • Second hand stores, including apparel, music, movies, gaming, and books. • Stationary, office supply, and equipment stores • Tattoo parlors and piercing studios • Trade shops, including electrical plumbing, heating/ cooling, and roofing/ siding, having no outside storage • Upholstery shops • Any accessory building and uses customarily incidental to the above permitted uses <p><u>Communication/Utilities</u></p> <ul style="list-style-type: none"> • Public wellfield/ pump house • Utility substation • Water tower 	<p>Conditional Uses</p> <p><u>Business Uses</u></p> <ul style="list-style-type: none"> • Ambulance services • Animal hospitals or clinics, providing that there are no outside kennels or runs • Automobile sales (used dealerships) • Auction galleries • Building and lumber supply establishments, providing that there is not outside storage of materials or equipment • Campgrounds for travel trailer or motor coaches • Funeral homes • Greenhouses and nursery, including landscaping service, providing that there is no outside storage of materials or equipment • Mortuaries and crematoriums • Mobile home sales • Outdoor amusement enterprises, including carnivals, bazaars, miniature golf, and batting cages • Outdoor theaters • Night club, dance club, tavern and similar private clubs • Package (beer and wine) stores
<p>Conditional Uses</p> <p><u>Business Uses</u></p> <ul style="list-style-type: none"> • Recreational vehicle/ boat sales and service • Mini-warehouses and storage buildings • Wireless telecommunications facility/ tower 		

<p>Use Notes and Subdivision Specifications</p> <ul style="list-style-type: none"> • The Use Matrix at the end of this Article provides detailed use listings. • The Overlay Districts shall apply as specified in Article 4 of this Ordinance. • Any district may be rezoned to “PUD” (Planned Unit Development) as specified in Article 7 of this Ordinance. • The subdivision of land in this district shall be consistent with the specifications of the Clayton County Subdivision Ordinance.

Article Three – Zoning District Intent, Uses & Standards

GB General Business District

3.22 GB District Standards



Minimum Lot Area:

- 5,000 square feet

Minimum Lot Width:

- 100 feet

Maximum Lot Depth:

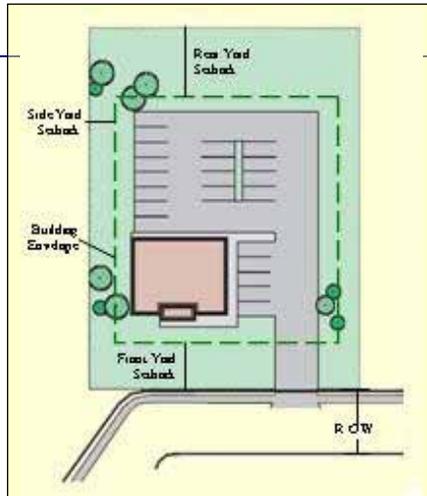
- None

Minimum Lot Frontage:

- 50 feet on a public and/ or private street with access from said public and/ or private street

Sewer and Water:

- Requires connection to public water and sewer



Minimum Front Yard Setback:

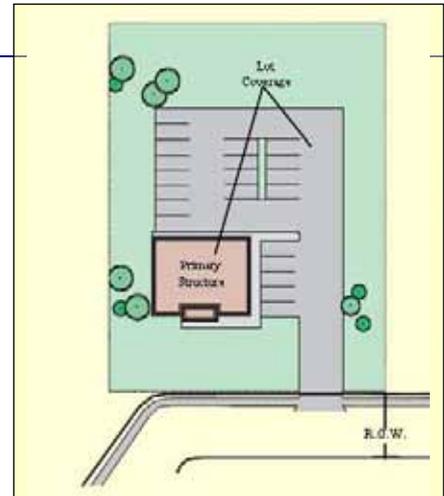
- 20 feet when adjacent to an Arterial Rd
- 20 feet when adjacent to a Collector Rd
- 20 feet when adjacent to a Local Road
- 20 feet when adjacent to a Private Road

Minimum Side Yard Setback:

- 0 feet
- 10 feet, when interior wall has no windows, doors, or other openings

Minimum Rear Yard Setback:

- 10 feet



Maximum Lot Coverage:

- All primary and accessory structures, and impervious surface can not exceed 70% of the lot area.



Maximum Structure Height:

- 75 feet for the Primary Structure
- 35 feet for Accessory Structures
- All telecommunication facilities shall conform to the requirements of Article 6

Additional Development Standards That Apply

Lot/Yard, Standards..... (LY)	Sight Visibility Standards..... (SV)
Height Standards (HT)	Public Improvement Standards..... (PI)
Septic Tank Standards..... (ST)	Fence and Wall Standards (FW)
Accessory Use/ Structure Standards (AS)	Large Scale Retail Standards..... (LR)
Architectural Standards (AC)	Parking Standards..... (PK)
Home Occupations Standards..... (HO)	Loading Standards..... (LD)
Day Care Facilities Standards (DCF)	Landscaping Standards..... (LA)
Personal Care Home Standards (PCH)	Buffer Yard Standards..... (BY)
Places of Worship Standards (POW)	Outdoor Lighting Standards (OL)
Public/ Private School Standards..... (PPP)	Telecommunication Facility (TF)
Performance Standards (PS)	Sign Standards..... (SS)
Automobile Vehicle Sales (AU)	

Article Three – Zoning District Intent, Uses & Standards

MMX Medical Mixed Use District

3.23 MMX District Intent, Permitted Uses and Conditional Uses

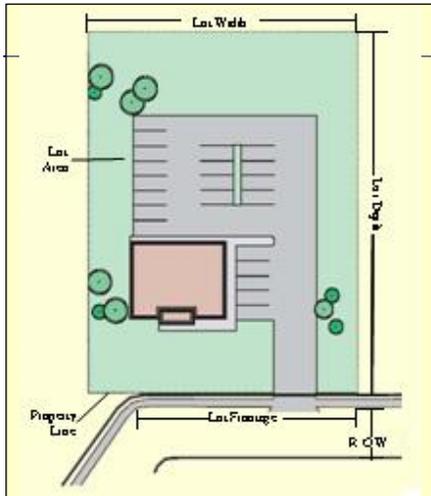
<p>District Intent</p> <p>The “MMX” District is intended to assist and encourage the development of the medical institutional and complementary land uses by creating a campus environment for medical centers, hospitals, and wellness facilities. These campuses should have convenient access to public transportation and major expressways.</p>	<p>Permitted Uses</p> <p>Office/ Institutional Uses</p> <ul style="list-style-type: none"> • Advanced diagnostic servicing • Ambulatory surgery centers • Assisted living/retirement facility • Child and adult day care centers • Dental offices and clinics • Hospitals • Medical offices, clinics and physical therapy facility • Nursing home and assisted living facilities • Professional and business offices • Parking lots and structures • Places of Worship, Theaters, and Amphitheaters • Residential facility for developmentally disabled/mentally ill <p>Retail/ Business Uses</p> <ul style="list-style-type: none"> • Apparel stores • Banks • Barber shop and beauty salon • Bookstores • Cafeterias, snack shops, and coffee shops • Corrective garments or bandage shops • Drug stores/ pharmacy • Florist • Gift shops • Restaurants (dine-in) <p>Institutional/Business Uses</p> <ul style="list-style-type: none"> • Assisted living/retirement facility • Child and adult day care center • Nursing home <p>Communication/Utilities</p> <ul style="list-style-type: none"> • Public wellfield/pump house • Utility substation • Water tower 	<p>Permitted Uses, continued</p> <p>Institutional/Public Uses</p> <ul style="list-style-type: none"> • Nature preserve/ passive recreation trail • Private parks and playgrounds • Police, fire, rescue • Public/ government buildings and offices • Any accessory building and uses customarily incidental to the above permitted uses <p>Conditional Uses</p> <p>Residential Uses</p> <ul style="list-style-type: none"> • Multiple family dwellings (upper floors) <p>Institutional/Public Uses</p> <ul style="list-style-type: none"> • Publicly owned parks and recreation areas <p>Communication/Utilities</p> <ul style="list-style-type: none"> • Wireless telecommunications facility/ tower
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<p>Use Notes and Subdivision Specifications</p> <ul style="list-style-type: none"> • The Use Matrix at the end of this Article provides detailed use listings. • The Overlay Districts shall apply as specified in Article 4 of this Ordinance. • Any district may be rezoned to “PUD” (Planned Unit Development) as specified in Article 7 of this Ordinance. • The subdivision of land in this district shall be consistent with the specifications of the Clayton County Subdivision Ordinance.

Article Three – Zoning District Intent, Uses & Standards

MMX Medical Mixed Use District

3.24 MMX District Standards



Minimum Development Area:

- 5 acres

Minimum Lot Area:

- 10,000 square feet

Minimum Lot Width:

- 75 feet

Maximum Lot Depth:

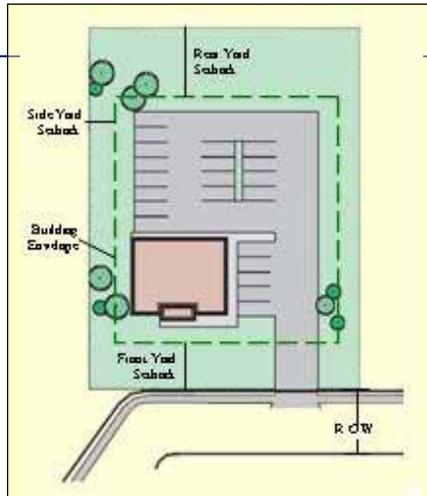
- None

Minimum Lot Frontage:

- 75 feet on a public and/ or private street with access from said public and/ or private street

Sewer and Water:

- Requires connection to public water and sewer



Minimum Front Yard Setback:

- 40 feet when adjacent to an Arterial Rd
- 30 feet when adjacent to a Collector Rd
- 20 feet when adjacent to a Local Road
- 20 feet when adjacent to a Private Road

Minimum Side Yard Setback:

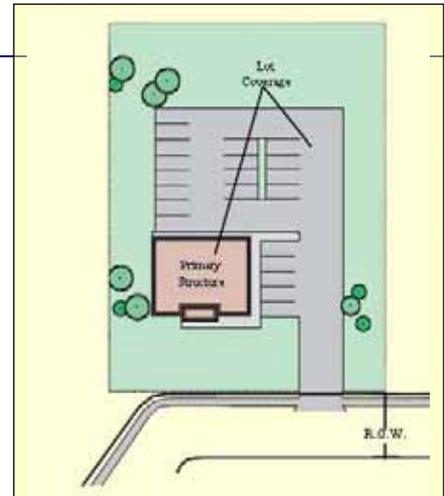
- 0 feet
- 10 feet, when interior wall has windows, doors, or other openings

Minimum Rear Yard Setback:

- 10 feet

Minimum Distance Between Buildings:

- 20 feet



Maximum Lot Coverage:

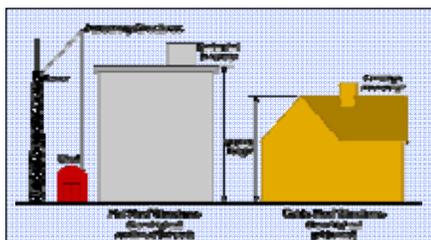
- all primary and accessory structures, and impervious surface can not exceed 70% of the lot area.

Maximum Density:

- 14 dwelling units per acre

Minimum living Area:

- 600 square feet for one-bedroom unit
- 800 square feet for two-bedroom unit
- 1,000 square feet for three or more bedrooms



Maximum Structure Height:

- 150 feet for the Primary Structure
- 35 feet for Accessory Structures
- All telecommunication facilities shall conform to the requirements of Article 6

Additional Development Standards That Apply

Lot/Yard, Standards..... (LY)	Sight Visibility Standards..... (SV)
Height Standards (HT)	Public Improvement Standards..... (PI)
Septic Tank Standards (ST)	Fence and Wall Standards (FW)
Accessory Use/ Structure Standards (AS)	Large Scale Retail Standards..... (LR)
Architectural Standards (AA)	Parking Standards..... (PK)
Architectural Standards (AC)	Loading Standards..... (LD)
Home Occupations Standards..... (HO)	Landscaping Standards..... (LA)
Day Care Facilities Standards (DCF)	Buffer Yard Standards..... (BY)
Personal Care Home Standards (PCH)	Outdoor Lighting Standards (OL)
Places of Worship Standards..... (POW)	Telecommunication Facility..... (TF)
Public/ Private School Standards..... (PPP)	Sign Standards..... (SS)
Performance Standards (PS)	

Article Three – Zoning District Intent, Uses & Standards

NMX Neighborhood Mixed Use District

3.25 NMX District Intent, Permitted Uses and Conditional Uses

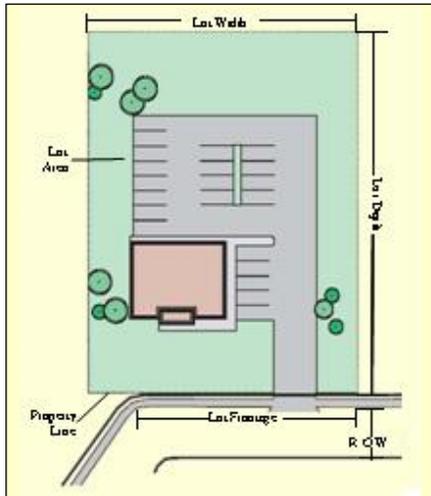
<p>District Intent</p> <p>The “NMX” District is intended to provide a mixture of residential housing options and supportive commercial uses within close proximity to each other. The goal is to provide interconnected urban scale development in nodes and corridor areas that will offer pedestrian connectivity and eliminate additional commuter trips for neighborhood oriented goods and services.</p> <p>The "NMX" district is designed to:</p> <ol style="list-style-type: none"> 1. Allow for different types of compatible land uses close together in appropriate locations to accommodate mixed-use buildings with neighborhood serving retail, service, and other uses on the ground floor and residential units above the non-residential space; 2. Encourage development that exhibits the physical design characteristics of pedestrian orientated, store-front style shopping streets; and 3. Promote the health and well being of residents by encouraging physical activity, alternative transportation, and greater social interaction. <p>This district provides for a maximum density 8 dwelling units per acre.</p>	<p>Permitted Uses</p> <p>Residential Uses</p> <ul style="list-style-type: none"> • Single-family dwelling (upper floors) • Two-family dwellings (upper floors) • Multiple-family dwellings (upper floors) <p>Office/ Institutional Uses</p> <ul style="list-style-type: none"> • Banks • Dental offices and medical offices • Professional and business offices <p>Public Uses</p> <ul style="list-style-type: none"> • Commuter transit, such as bus and train • Libraries • Parks and playgrounds • Public/ Government buildings and offices • Police, Fire, Rescue <p>Business Uses</p> <ul style="list-style-type: none"> • Apparel stores • Artisans galleries and theaters • Bank and loan associations • Barber shop and beauty salon • Bookstores • Catering establishments • Child and adult day care center • Clothing and apparel store • Coin laundry, dry cleaning, and pick up stations, dealing directly with the customer • Convenience stores • Department stores • Discount Stores • Drug stores • Florist and gift shops • Farmers markets • Fruit markets • Grocery Store • Hardware Store • Jewelry store • Parking garage, deck, and lot • Photographic studio 	<p>Permitted Uses, continued</p> <p>Business Uses</p> <ul style="list-style-type: none"> • Pharmacy • Professional offices • Repair shops (watches, radio, television, shoe, and etc.) • Restaurants • Stationary, office supply, and equipment stores <p>Conditional Uses, continued</p> <p>Office/ Institutional Uses</p> <ul style="list-style-type: none"> • Banks • Places of worship, theaters, and amphitheaters <p>Business Uses</p> <ul style="list-style-type: none"> • Dancing schools and other group instruction • Fitness center and gym • Minor automobile service stations, including gasoline sales <p>Public Uses</p> <ul style="list-style-type: none"> • Publicly owner parks and recreation areas
<p>Conditional Uses, continued</p> <p>Communication/Utilities</p> <ul style="list-style-type: none"> • Public wellfield/ pump house • Utility substation • Water tower • Wireless telecommunications facility/tower 		

<p>Use Notes and Subdivision Specifications</p> <ul style="list-style-type: none"> • The Use Matrix at the end of this Article provides detailed use listings. • The Overlay Districts shall apply as specified in Article 4 of this Ordinance. • Any district may be rezoned to “PUD” (Planned Unit Development) as specified in Article 7 of this Ordinance. • The subdivision of land in this district shall be consistent with the specifications of the Clayton County Subdivision Ordinance.

Article Three – Zoning District Intent, Uses & Standards

NMX Neighborhood Mixed Use District

3.26 NMX District Standards



Minimum Lot Area:

- None

Minimum Lot Width:

- None

Maximum Lot Depth:

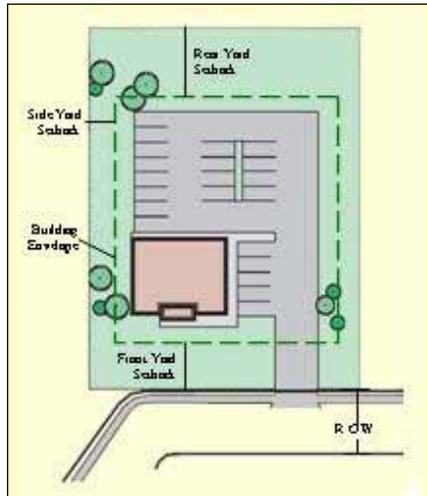
- None

Minimum Lot Frontage:

- 100 feet on a public street with access from said Public Street

Sewer and Water:

- Requires connection to public water and sewer



Minimum Front Yard Setback:

- 10 feet when adjacent to a Public Road

Minimum Side Yard Setback:

- 0 feet
- 10 feet, when interior wall has windows, doors, or other openings

Minimum Rear Yard Setback:

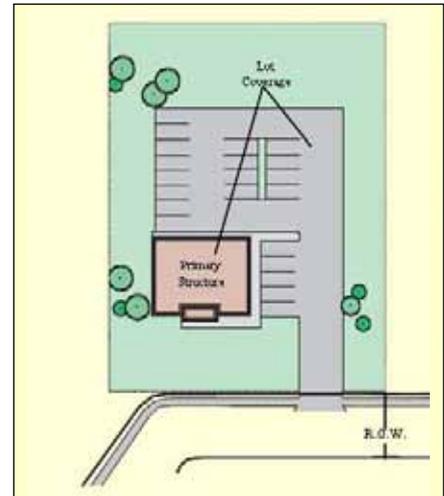
- 10 feet

Minimum Distance Between Buildings:

- 20 feet

Maximum Building Size:

- 25,000 square feet on ground floor



Maximum Building Length:

- 150 feet

Maximum Lot Coverage:

- all primary and accessory structures, and impervious surface can not exceed 70% of the lot area.

Minimum Open Space:

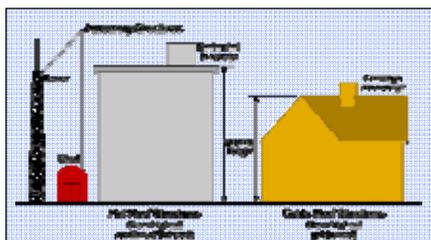
- 15 percent

Maximum Density:

- 8 dwelling units per acre

Minimum living Area:

- 600 square feet for one-bedroom unit
- 800 square feet for two-bedroom unit
- 1,000 square feet for three or more bedrooms



Maximum Structure Height:

- 90 feet for the Primary Structure
- 25 feet for Accessory Structures
- All telecommunication facilities shall conform to the requirements of Article 6

Additional Development Standards That Apply

- Lot/Yard, Standards..... (LY)
- Height Standards(HT)
- Septic Tank Standards (ST)
- Accessory Use/ Structure Standards(AS)
- Architectural Standards(AA)
- Architectural Standards(AC)
- Home Occupations Standards.....(HO)
- Day Care Facilities Standards(DCF)
- Personal Care Home Standards(PCH)
- Places of Worship Standards(POW)
- Public/ Private School Standards.....(PPP)
- Performance Standards(PS)

- Sight Visibility Standards(SV)
- Public Improvement Standards(PI)
- Fence and Wall Standards(FW)
- Large Scale Retail Standards(LR)
- Parking Standards(PK)
- Loading Standards(LD)
- Landscaping Standards(LA)
- Buffer Yard Standards(BY)
- Outdoor Lighting Standards(OL)
- Telecommunication Facility(TF)
- Sign Standards(SS)

Article Three – Zoning District Intent, Uses & Standards

RMX Regional Mixed Use District

3.27 RMX District Intent, Permitted Uses and Conditional Uses

District Intent

The “RMX” District is intended to provide a mixture of residential, commercial, and office uses within close proximity to each other. The goal is to provide interconnected urban scale development in nodal and corridor areas that offer pedestrian connectivity and eliminate additional commuter trips for regionally oriented goods and services.

The "RMX" district is designed to:

1. Develop large scale lots/ parcels with a mix of commercial and residential uses with design amenities that accommodate mixed-use buildings with neighborhood serving retail, service, and other uses on the ground floor and residential units above the non-residential space;
2. Encourage development that exhibits the physical design characteristics of pedestrian orientated, store-front style shopping streets; and
3. Promote the health and well being of residents by encouraging physical activity, alternative transportation, and greater social interaction.

The district promotes a maximum density 16 dwelling units per acre.

- Permitted Uses**
- Residential Uses**
- Single-family dwelling (upper floors)
 - Two-family dwellings (upper floors)
 - Multiple-family dwellings (upper floors)
- Office/ Institutional Uses**
- Banks and loan associations
 - Professional and business offices
- Public Uses**
- Commercial parking garages and lots
 - Commuter transit, such as bus and train
 - Libraries
 - Parks and amphitheaters
 - Public/ Government buildings and offices
 - Police, Fire, Rescue
- Business Uses**
- Antique shops, provided that there is no outdoor display or storage
 - Apparel stores
 - Artisans galleries and theaters
 - Bank and loan associations
 - Barber shop and beauty salon
 - Bookstores
 - Catering establishments
 - Child and adult day care center
 - Clothing and apparel store
 - Coin laundry, dry cleaning, and pick up stations, dealing directly with the customer
 - Convenience stores
 - Dancing schools and other group instruction
 - Department stores
 - Discount Stores
 - Drug stores
 - Fitness centers and gyms
 - Florist and gift shops
 - Furniture sales and showrooms

- Permitted Uses, Continued**
- Business Uses, continued**
- Grocery Store
 - Hardware Store
 - Hotels and motels
 - Indoor recreation, including bowling alleys, pool rooms, electronic gaming machines, and etc.
 - Jewelry store
 - Minor automobile service stations, including gasoline sales
 - Night club, dance club, tavern and similar private clubs
 - Parking garage, deck, and lot
 - Pet shops having no outside kennels
 - Pharmacy
 - Professional offices
 - Restaurants, including those having a drive through configuration
 - Retail warehouses/ wholesales providing sales of merchandise with no outdoor storage
 - Stationary, office supply, and equipment stores
 - Theaters, assembly halls, concert hall, or similar places of assembly when conducted completely within enclosed building

- Conditional Uses**
- Communication/Utilities**
- Public wellfield/ pump house
 - Utility substation
 - Water tower
 - Wireless telecommunications facility

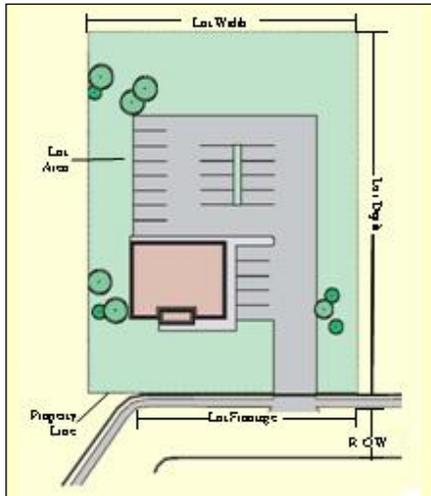
Use Notes and Subdivision Specifications

- The Use Matrix at the end of this Article provides detailed use listings.
- The Overlay Districts shall apply as specified in Article 4 of this Ordinance.
- Any district may be rezoned to “PUD” (Planned Unit Development) as specified in Article 7 of this Ordinance.
- The subdivision of land in this district shall be consistent with the specifications of the Clayton County Subdivision Ordinance.

Article Three – Zoning District Intent, Uses & Standards

RMX Regional Mixed Use District

3.28 RMX District Standards



Minimum Lot Area:

- None

Minimum Lot Width:

- None

Maximum Lot Depth:

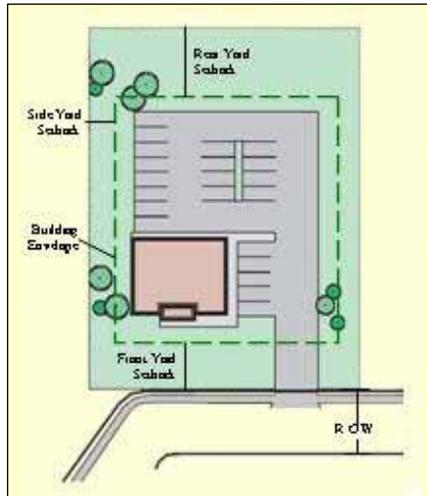
- None

Minimum Lot Frontage:

- 100 feet on a public street with access from said Public Street

Sewer and Water:

- Requires connection to public water and sewer



Minimum Front Yard Setback:

- 10 feet when adjacent to a Public Road

Minimum Side Yard Setback:

- 0 feet
- 10 feet, when interior wall has windows, doors, or other openings

Minimum Rear Yard Setback:

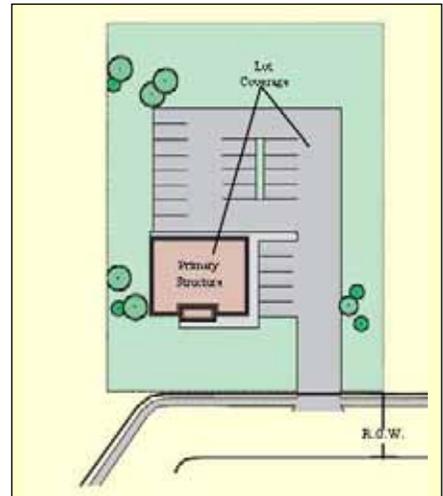
- 10 feet

Minimum Distance Between Buildings:

- 20 feet

Maximum Building Size:

- 250,000 square feet on ground floor



Maximum Building Length:

- 400 feet

Maximum Lot Coverage:

- all primary and accessory structures, and impervious surface can not exceed 70% of the lot area.

Minimum Open Space:

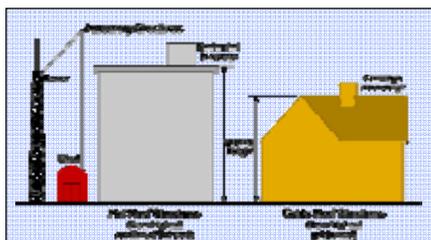
- 15 percent

Maximum Density:

- 16 dwelling unit per acre

Minimum living Area:

- 600 square feet for one-bedroom unit
- 800 square feet for two-bedroom unit
- 1,000 square feet for three or more bedrooms



Maximum Structure Height:

- 150 feet for the Primary Structure
- 35 feet for Accessory Structures
- All telecommunication facilities shall conform to the requirements of Article 6

Additional Development Standards That Apply

- Lot/Yard, Standards..... (LY)
- Height Standards(HT)
- Septic Tank Standards..... (ST)
- Accessory Use/ Structure Standards(AS)
- Architectural Standards(AA)
- Architectural Standards(AC)
- Home Occupations Standards.....(HO)
- Day Care Facilities Standards(DCF)
- Personal Care Home Standards(PCH)
- Places of Worship Standards(POW)
- Public/ Private School Standards.....(PPP)
- Performance Standards(PS)

- Sight Visibility Standards.....(SV)
- Public Improvement Standards.....(PI)
- Fence and Wall Standards(FW)
- Large Scale Retail Standards.....(LR)
- Parking Standards.....(PK)
- Loading Standards.....(LD)
- Landscaping Standards.....(LA)
- Buffer Yard Standards.....(BY)
- Outdoor Lighting Standards(OL)
- Telecommunication Facility.....(TF)
- Sign Standards.....(SS)

Article Three – Zoning District Intent, Uses & Standards

LI Light Industrial District

3.29 LI District Intent, Permitted Uses and Conditional Uses

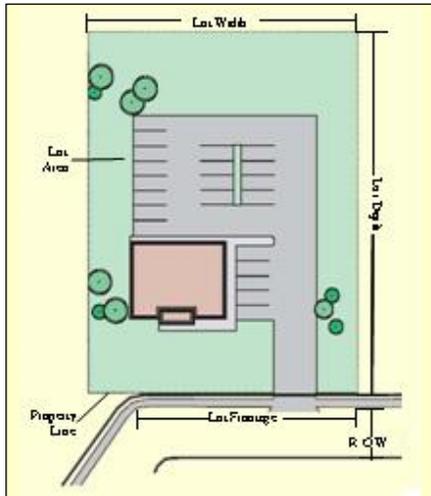
<p>District Intent</p> <p>The “LI” District is intended to provide a land use category for assembly, warehousing, wholesale activities, and other industrial operations. The provisions that regulate this land use district should make the district compatible with the “CB”, “GB” and “AG” districts and environmentally sensitive areas. This district should be used in combination with the “GB” district in areas with convenient access to major transportation routes.</p>	<p>Permitted Uses</p> <p>Industrial Uses</p> <ul style="list-style-type: none"> • Agricultural implementation and equipment establishments • Auto engine, body repair, and undercoating shops when completely enclosed • Building materials and lumber supply establishments • Commercial parking garages and lots • Gasoline service stations and truck stops • Government buildings, offices, and storage • Greenhouses and nurseries, including landscaping services • Manufacturing, compounding, processing or packing of food and food products, cosmetics, toiletries and pharmaceuticals. • Manufacturing, compounding or assembling of cell phones, paper, fur, glass, leather, plastics or semi-precious metals or stones, rubber, textiles or cloth products, tobacco, wood or wood-like products • Manufacturing of ceramic products, excluding, building materials, using previously pulverized clay and kilns fired by electricity or gas • Mini-warehouses and storage buildings for lease to the public including the office and/ or dwelling of a caretaker • Offices and administrative facilities • Public utilities such as electric substations, storage of materials and trucks, repair facilities, offices and electric generating plants • Repair and manufacturing of musical instruments, clocks or watches, toys or novelties, electrical appliances, electronic devices, light sheet metal products, mining equipment, machine tools and machinery 	<p>Permitted Uses</p> <p>Industrial Uses</p> <ul style="list-style-type: none"> • Research, experimental, or testing laboratories • Towing, wrecking, and Impound service • Tractor and trailer storage • Trade shops, including electrical, plumbing, heating/ cooling, and roofing • Trade/ industrial school, Industrial clinic, banks or credit unions that serve the convenient needs of the Industrial district • Wholesale business, warehouse, trucking terminal, and similar non processing storage and distribution uses • Any accessory building and uses customarily incidental to the above permitted uses <p>Communication/Utilities</p> <ul style="list-style-type: none"> • Public wellfield/ pump house • Sewage Treatment Plan • Utility substation • Water tower
<p>Conditional Uses</p> <p>Business Uses</p> <ul style="list-style-type: none"> • Bowling alley, billiard hall, indoor archery range, indoor tennis courts, indoor skating rink, or similar forms of indoor commercial recreation • Truck, trailer, tractor sales and service • Wireless telecommunications facility/ tower 		

<p>Use Notes and Subdivision Specifications</p> <ul style="list-style-type: none"> • The Use Matrix at the end of this Article provides detailed use listings. • The Overlay Districts shall apply as specified in Article 4 of this Ordinance. • Any district may be rezoned to “PUD” (Planned Unit Development) as specified in Article 7 pf this Ordinance. • The subdivision of land in this district shall be consistent with the specifications of the Clayton County Subdivision Ordinance.

Article Three – Zoning District Intent, Uses & Standards

LI Light Industrial District

3.30 LI District Standards



Minimum Lot Area:

- None

Minimum Lot Width:

- None

Maximum Lot Depth:

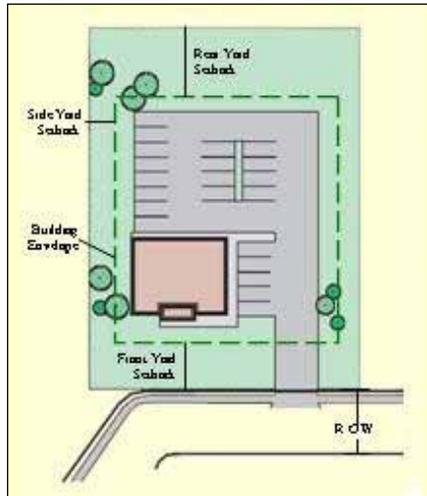
- None

Minimum Lot Frontage:

- 100 feet on a public street with access from said Public Street

Sewer and Water:

- Requires connection to public water and sewer



Minimum Front Yard Setback:

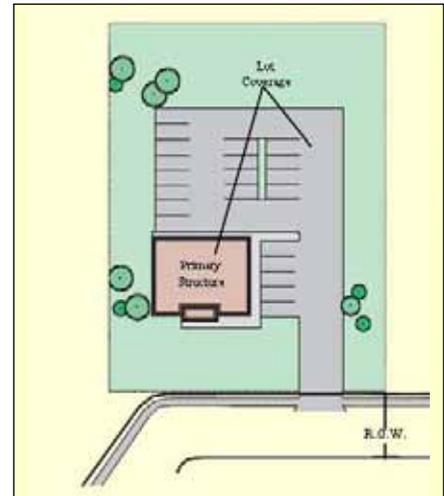
- 50 feet when adjacent to an Arterial Rd
- 45 feet when adjacent to a Collector Rd
- 40 feet when adjacent to a Local Road

Minimum Side Yard Setback:

- 20 feet

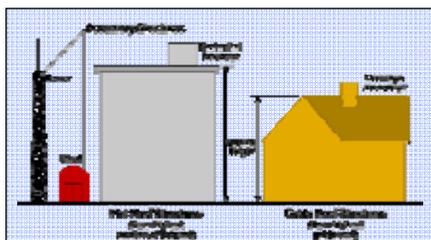
Minimum Rear Yard Setback:

- 20 feet



Maximum Lot Coverage:

- All primary and accessory structures, and impervious surface can not exceed 70% of the lot area.



Maximum Structure Height:

- 75 feet for the Primary Structure
- 35 feet for Accessory Structures
- All telecommunication facilities shall conform to the requirements of Article 6

Additional Development Standards That Apply

Lot/Yard, Standards..... (LY)	Sight Visibility Standards..... (SV)
Height Standards (HT)	Public Improvement Standards..... (PI)
Septic Tank Standards (ST)	Fence and Wall Standards (FW))
Accessory Use/ Structure Standards (AS)	Parking Standards..... (PK)
Architectural Standards (AC)	Loading Standards..... (LD)
Performance Standards (PS)	Landscaping Standards..... (LA)
Automobile Vehicle Sales (AU)	Buffer Yard Standards..... (BY)
Salvage Yard Standards..... (SY)	Outdoor Lighting Standards (OL)
Truck Terminal Standards (TT)	Telecommunication Facility..... (TF)
	Sign Standards..... (SS)

Article Three – Zoning District Intent, Uses & Standards

HI Heavy Industrial District

3.31 HI District Intent, Permitted Uses and Conditional Uses

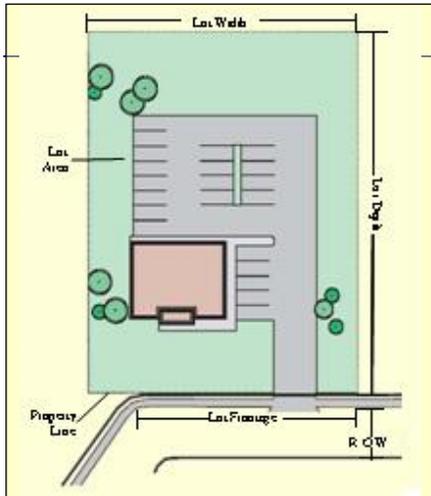
<p>District Intent</p> <p>The “HI” District is intended to provide a land use category for manufacturing, assembling, and fabrication activities including large scale or specialized industrial operations, whose external physical effects will be felt to some degree by surrounding districts. The provisions that regulate this land use district should make the district compatible with the “LI” and “IC” districts and environmentally sensitive areas. This district should be used in combination with the “LI” district in areas with convenient access to major transportation routes.</p>	<p>Permitted Uses</p> <p>Industrial Uses</p> <ul style="list-style-type: none"> • Any use permitted in the Light Industrial (LI) district • Agriculture crop processing and storage (of materials produced off-site) • Asphalt manufacturing • Blast furnace, steel furnace, blooming, or rolling mill • Brick, tile, and terra-cotta manufacturing • Cement, lime, gypsum, or plaster of paris manufacturing • Central mixing plant for cement, mortar, plaster, and / or housing materials • Chemical storage or manufacturing • Heating and electric power generating plants and all necessary uses • Government buildings , offices, and storage • Incineration of garbage or refuse when conducted within an enclosed plant • Machine and machine tool manufacture • Petroleum or inflammable liquids, production, refining, or storage • Smelting of copper, iron, zinc, or ore • Rock, sand, or gravel distribution • Any accessory building and uses customarily incidental to the above permitted uses <p>Communication/Utilities</p> <ul style="list-style-type: none"> • Public wellfield/ pump house • Sewage Treatment Plan • Utility substation • Water tower 	<p>Conditional Uses</p> <p>Industrial Uses</p> <ul style="list-style-type: none"> • Airport, heliports, and related landing areas and buildings • Development of natural resources, including the removal of minerals and natural materials together with necessary buildings and machinery • Junk/salvage yard, places for dismantling, wrecking, and disposing of material • Mineral extraction and processing • Municipal solid waste landfills, inert landfills, construction and demolition landfills, refuse dump, scrap metal yard, and recycling center • Slaughterhouse • Any other heavy industrial use, which shall be compatible with the intent of the district. <p>Adult Uses</p> <ul style="list-style-type: none"> • Adult entertainment facilities, sexually orientated businesses, and massage parlors
<p>Conditional Uses</p> <p>Communication/Utilities</p> <ul style="list-style-type: none"> • Wireless telecommunications facility/ tower 		

<p>Use Notes and Subdivision Specifications</p> <ul style="list-style-type: none"> • The Use Matrix at the end of this Article provides detailed use listings. • The Overlay Districts shall apply as specified in Article 4 of this Ordinance. • Any district may be rezoned to “PUD” (Planned Unit Development) as specified in Article 7 pf this Ordinance. • The subdivision of land in this district shall be consistent with the specifications of the Clayton County Subdivision Ordinance.

Article Three – Zoning District Intent, Uses & Standards

HI Heavy Industrial District

3.32 HI District Standards



Minimum Lot Area:

- None

Minimum Lot Width:

- None

Maximum Lot Depth:

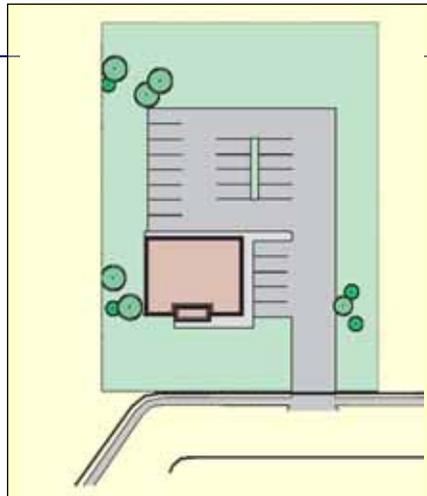
- None

Minimum Lot Frontage:

- 100 feet on a public street with access from said Public Street

Sewer and Water:

- Requires connection to public water and sewer



Minimum Front Yard Setback:

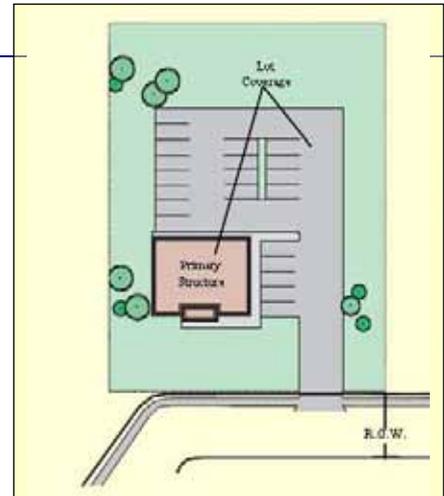
- 50 feet when adjacent to an Arterial Rd
- 45 feet when adjacent to a Collector Rd
- 40 feet when adjacent to a Local Road

Minimum Side Yard Setback:

- 50 feet

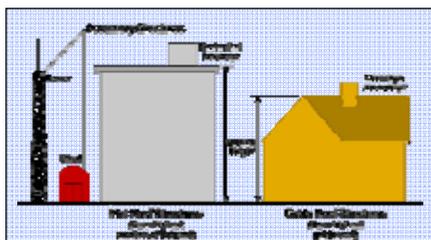
Minimum Rear Yard Setback:

- 50 feet



Maximum Lot Coverage:

- All primary and accessory structures, and impervious surface can not exceed 70% of the lot area.



Maximum Structure Height:

- 75 feet for the Primary Structure
- 35 feet for Accessory Structures
- All agriculture related structures are exempt
- All telecommunication facilities shall conform to the requirements of Article 6

Additional Development Standards That Apply

Lot/Yard, Standards..... (LY)	Sight Visibility Standards..... (SV)
Height Standards(HT)	Public Improvement Standards..... (PI)
Septic Tank Standards..... (ST)	Fence and Wall Standards(FW)
Accessory Use/ Structure Standards(AS)	Parking Standards.....(PK)
Architectural Standards(AC)	Loading Standards.....(LD)
Performance Standards(PS)	Landscaping Standards.....(LA)
Automobile Vehicle Sales(AU)	Buffer Yard Standards.....(BY)
Salvage Yard Standards.....(SY)	Outdoor Lighting Standards(OL)
Truck Terminal Standards(TT)	Telecommunication Facility(TF)
Adult Orientated Standards(AU)	Sign Standards.....(SS)
Landfill Standards(LF)	
Mining Standards(ME)	
Airport Standards(AH)	

Article Three – Land Use Matrix

Land Use Matrix

Agricultural Uses	Zoning District																
	AG	ER	RS-180	RS-110	RG	RM	RMH	OI	NB	CB	GB	MMX	NMX	RMX	LI	HI	
Agricultural crop production, processing, or product storage	P	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P
Agricultural product sales, distribution, and storage	P	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Confined animal feeding operations	C	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Farm implement storage	P	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Forestry operations with temporary sawmill	C	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Grazing and pasture land	P	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Keeping of livestock	P	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Kennels	P	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Riding academies and stables	P	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
	P	Permitted Uses				C	Conditional Uses				N	Not Permitted					

Land Use Matrix

Residential Uses	Zoning District															
	AG	ER	RS-180	RS-110	RG	RM	RMH	OI	NB	CB	GB	MMX	NMX	RMX	LI	HI
Assisted living, retirement facility, and nursing home	C	C	C	C	C	C	C	P	C	C	N	P	N	N	N	N
Bed and breakfast facility	C	C	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Boarding home, group home, and personal care home having 5 or less persons	P	P	P	P	P	P	P	N	N	N	N	N	N	N	N	N
Boarding home, group home, and personal care home having 6 or more persons	C	C	C	C	C	C	C	N	N	N	N	N	N	N	N	N
Convents and monasteries	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Dwelling, single-family	P	P	P	P	P	N	N	N	N	N	N	N	N	N	N	N
Dwelling, single-family (accessory as an additional dwelling)	C	C	C	N	N	N	N	N	N	N	N	N	N	N	N	N
Dwelling, (upper floors)	N	N	N	N	N	N	N	N	N	N	N	N	P	P	N	N
Dwelling, manufactured home (type I)	N	N	N	N	N	N	P	N	N	N	N	N	N	N	N	N
Dwelling, manufactured home (type II)	N	N	N	N	N	N	P	N	N	N	N	N	N	N	N	N
Dwelling, manufactured home (type III)	N	N	N	N	N	N	P	N	N	N	N	N	N	N	N	N
Dwelling, mobile home	N	N	N	N	N	N	P	N	N	N	N	N	N	N	N	N
Dwelling, multiple-family	N	N	N	N	N	P	N	N	N	N	N	N	N	N	N	N
Dwelling, multiple-family (upper floors)	N	N	N	N	N	N	N	N	N	N	N	P	P	P	N	N
Dwelling, two-family	N	N	N	N	P	N	N	N	N	N	N	N	N	N	N	N
Dwelling, two family (upper floors)	N	N	N	N	N	N	N	N	N	N	N	N	P	P	N	N
Family day care home	P	P	P	P	P	P	P	N	N	N	N	N	N	N	N	N
Home occupation (type I)	N	P	P	P	P	P	P	N	N	N	N	N	N	N	N	N
Home occupation (type II)	C	C	C	C	C	C	C	N	N	N	N	N	N	N	N	N
Residential facility for the developmentally disabled or mentally ill	C	C	C	C	C	C	C	P	N	N	N	P	N	N	N	N
Rowhome, townhome, and condominium	N	N	N	N	N	P	N	N	N	N	N	N	N	N	N	N
	P		Permitted Uses			C		Conditional Uses			N		Not Permitted			

Land Use Matrix

Institutional/ Public Uses	Zoning District															
	AG	ER	RS-180	RS-110	RG	RM	RMH	OI	NB	CB	GB	MMX	NMX	RMX	LI	HI
Armory	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Cemeteries	C	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Colleges, universities, and vocational or technical schools	N	N	N	N	N	N	N	C	N	P	P	N	N	N	N	N
Funeral home, mortuary, and crematory	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Golf course and driving range	C	C	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Library, post office and similar uses	N	N	N	N	N	N	N	N	P	P	P	P	P	P	N	N
Museums and art galleries	N	N	N	N	N	N	N	C	P	P	P	N	N	N	N	N
Nature preserve and recreation trails	P	P	P	P	P	P	P	N	N	N	N	P	N	N	N	N
Parking lots and structures	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Parks and playgrounds	P	P	P	P	P	P	P	N	N	N	N	P	P	P	N	N
Places of worship, theaters, and amphitheaters	C	C	C	C	C	N	N	P	N	N	N	N	C	P	N	N
Police, Fire, and rescue stations	P	P	P	P	P	P	P	P	P	P	P	P	P	P	N	N
Public/ government buildings and offices	P	P	P	P	P	P	P	P	P	N	N	P	N	P	P	P
Publicly owned parks and recreation centers and areas	C	C	C	C	C	C	C	N	N	N	N	N	C	P	N	N
Public and private schools (P-12)	C	C	C	C	C	C	C	N	N	N	N	N	N	N	N	N
Recreational vehicle park	C	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Service/ labor/ fraternal organization meeting halls and offices	N	N	N	N	N	N	N	C	N	P	P	N	N	N	N	N
	P		Permitted Uses			C		Conditional Uses			N		Not Permitted			

Land Use Matrix

Commercial Uses	Zoning District															
	AG	ER	RS-180	RS-110	RG	RM	RMH	OI	NB	CB	GB	MMX	NMX	RMX	LI	HI
Ambulatory surgery centers	N	N	N	N	N	N	N	N	N	N	C	P	N	N	N	N
Animal hospitals or clinics, providing that there are no outside kennels or runs	N	N	N	N	N	N	N	N	N	N	C	N	N	N	N	N
Antique shops (no outdoor displays or storage allowed)	N	N	N	N	N	N	N	N	N	N	P	P	N	N	P	N
Apparel stores	N	N	N	N	N	N	N	N	N	N	N	P	P	P	N	N
Artisan galleries and theaters	N	N	N	N	N	N	N	N	N	N	N	N	P	P	N	N
Auction galleries	N	N	N	N	N	N	N	N	N	N	C	N	N	N	N	N
Automobile broker	N	N	N	N	N	N	N	N	N	N	P	N	N	N	N	N
Automobile rental and leasing facilities	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Automobile sales (new dealerships)	N	N	N	N	N	N	N	N	N	N	P	N	N	N	N	N
Automobile sales (used dealerships)	N	N	N	N	N	N	N	N	N	N	C	N	N	N	N	N
Automobile service stations, including gasoline sales	N	N	N	N	N	N	N	N	N	N	P	P	N	N	N	P
Automobile wash/wax centers	N	N	N	N	N	N	N	N	N	N	P	N	N	N	N	N
Banks and loan associations	N	N	N	N	N	N	N	N	P	P	P	P	P	P	P	N
Barber shop and beauty salon	N	N	N	N	N	N	N	N	P	P	P	P	P	P	P	N
Bookstores	N	N	N	N	N	N	N	N	P	P	P	P	P	P	P	N
Building and lumber supply establishments, providing that there is no outside storage of materials or equipment	N	N	N	N	N	N	N	N	N	N	C	N	N	N	N	N
Bus terminal, train, and other commuter transit	N	N	N	N	N	N	N	N	N	N	P	N	P	P	N	N
Cafeterias, snack shops, and coffee shops	N	N	N	N	N	N	N	N	P	C	N	N	P	N	N	N
Campgrounds for travel trailer or motor coaches	N	N	N	N	N	N	N	N	P	N	C	N	N	N	N	N
Catering establishments	N	N	N	N	N	N	N	N	P	P	P	N	P	P	N	N
Child and adult day care center	N	N	N	N	N	N	N	N	P	N	P	P	P	P	P	N
	P		Permitted Uses			C		Conditional Uses			N		Not Permitted			

Land Use Matrix

Commercial Uses	Zoning District															
	AG	ER	RS-180	RS-110	RG	RM	RMH	OI	NB	CB	GB	MMX	NMX	RMX	LI	HI
Clothing and apparel stores	N	N	N	N	N	N	N	N	N	P	P	N	P	P	N	N
Coin laundry, dry cleaning, and pick-up stations dealing directly with customers	N	N	N	N	N	N	N	N	N	P	P	N	P	P	N	N
Commercial parking garages and lots	N	N	N	N	N	N	N	N	N	P	P	N	N	P	P	P
Convenience Store	N	N	N	N	N	N	N	N	N	P	P	N	P	P	N	N
Corrective garments or bandage shops	N	N	N	N	N	N	N	P	N	N	N	P	N	N	N	N
Dancing schools and other group instruction	N	N	N	N	N	N	N	N	N	N	P	N	C	P	N	N
Dental offices and clinics	N	N	N	N	N	N	N	P	N	N	N	P	P	N	N	N
Department stores	N	N	N	N	N	N	N	N	N	P	P	N	P	P	N	N
Discount stores	N	N	N	N	N	N	N	N	P	P	P	N	P	N	N	N
Drug stores	N	N	N	N	N	N	N	N	P	P	P	P	P	P	N	N
Dry cleaning agencies, pressing establishments, and laundry pick-up stations	N	N	N	N	N	N	N	N	N	P	P	N	N	N	N	N
Farmer's market	N	N	N	N	N	N	N	N	N	N	N	N	P	N	N	N
Fitness centers and gyms	N	N	N	N	N	N	N	N	N	P	P	N	C	P	N	N
Florists and gift shops	N	N	N	N	N	N	N	P	P	P	P	P	P	P	N	N
Fruit markets	N	N	N	N	N	N	N	N	P	P	P	N	P	N	N	N
Funeral home	N	N	N	N	N	N	N	C	N	N	C	N	N	N	N	N
Furniture sales and showrooms	N	N	N	N	N	N	N	N	N	P	P	N	N	P	N	N
Greenhouses and nursery, including landscaping service, providing that there is no outside storage of materials or equipment	N	N	N	N	N	N	N	N	N	P	P	N	N	N	P	P
Grocery Store	N	N	N	N	N	N	N	N	P	P	P	N	P	P	N	N
	P		Permitted Uses			C		Conditional Uses			N		Not Permitted			

Land Use Matrix

Commercial Uses	Zoning District															
	AG	ER	RS-180	RS-110	RG	RM	RMH	OI	NB	CB	GB	MMX	NMX	RMX	LI	HI
Hardware Store (Neighborhood)	N	N	N	N	N	N	N	N	P	P	P	N	P	P	N	N
Hotels and motels	N	N	N	N	N	N	N	N	N	N	N	N	N	P	N	N
Hospitals	N	N	N	N	N	N	N	P	N	P	P	P	N	N	N	N
Indoor recreation (bowling alleys, pool rooms, electronic gaming machines)	N	N	N	N	N	N	N	N	N	P	P	N	N	P	C	N
Jewelry Store	N	N	N	N	N	N	N	N	P	N	N	N	P	P	N	N
Medical offices, clinics, and physical therapy facilities	N	N	N	N	N	N	N	P	N	N	N	P	N	N	N	N
Mini warehouse and storage buildings	N	N	N	N	N	N	N	N	N	N	C	N	C	P	P	P
Minor automobile service stations, including gasoline sales	N	N	N	N	N	N	N	N	N	N	C	N	N	N	N	N
Mobile home sales	N	N	N	N	N	N	N	N	N	N	C	N	N	N	N	N
Mortuaries and crematoriums	N	N	N	N	N	N	N	C	N	N	C	N	N	P	N	N
Night club, dance club, tavern and similar private clubs	N	N	N	N	N	N	N	N	N	C	C	N	N	N	N	N
Outdoor amusement enterprises, including carnivals, bazaars, miniature golf, and batting cages	N	N	N	N	N	N	N	N	N	N	C	N	N	N	N	N
Outdoor theaters	N	N	N	N	N	N	N	N	N	N	C	N	N	N	N	N
Package (beer and wine) stores, including the sale of alcoholic beverages by the container	N	N	N	N	N	N	N	N	N	C	P	N	N	N	N	N
Palm readers/psychics/fortune tellers	N	N	N	N	N	N	N	N	N	N	P	N	N	N	N	N
Parking garage, deck and lot	N	N	N	N	N	N	N	P	N	P	P	P	P	P	N	N
Pet shops	N	N	N	N	N	N	N	N	N	P	P	N	N	P	N	N
Pet shops having no outside kennels	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Pharmacy	N	N	N	N	N	N	N	P	P	P	P	P	P	P	N	N
Photographic studio	N	N	N	N	N	N	N	N	P	P	P	N	N	N	N	N
	P		Permitted Uses			C		Conditional Uses			N		Not Permitted			

Commercial Uses	Zoning District															
	AG	ER	RS-180	RS-110	RG	RM	RMH	OI	NB	CB	GB	MMX	NMX	RMX	LI	HI
Professional and business offices	N	N	N	N	N	N	N	P	N	N	N	P	P	P	N	N
Recreational vehicle/boat sales and services	N	N	N	N	N	N	N	N	N	N	C	N	N	N	N	N
Repair shops (watches, radio, television, shoe, etc.)	N	N	N	N	N	N	N	N	P	P	P	N	P	N	N	N
Restaurants (non-drive-thru)	N	N	N	N	N	N	N	P	P	P	P	P	P	P	N	N
Restaurants with a drive-thru configuration	N	N	N	N	N	N	N	N	N	P	P	N	P	P	N	N
Retail warehouses/wholesales providing sales of merchandise with no outdoor storage	N	N	N	N	N	N	N	N	N	N	P	N	N	P	N	N
Second hand stores, including apparel, music, movies, gaming and books	N	N	N	N	N	N	N	N	N	N	P	N	N	N	N	N
Stationary, office supply, and equipment stores	N	N	N	N	N	N	N	N	N	N	P	N	P	P	N	N
Tattoo parlors and piercing studios	N	N	N	N	N	N	N	N	N	N	P	N	P	N	N	N
Theaters, assembly halls, concert, hall, or similar places of assembly when conducted completely within enclosed building	N	N	N	N	N	N	N	N	N	P	P	N	N	P	N	N
Trade shops, including electrical plumbing, heating/cooling, and roofing/siding, having no outside storage	N	N	N	N	N	N	N	N	N	N	P	N	N	N	P	P
Upholstery shops	N	N	N	N	N	N	N	N	N	N	P	N	N	N	N	N
Veterinary clinics	N	N	N	N	N	N	N	C	N	N	N	N	N	N	N	N
	P		Permitted Uses			C		Conditional Uses			N		Not Permitted			

Land Use Matrix

Industrial Uses	Zoning District															
	AG	ER	RS-180	RS-110	RG	RM	RMH	OI	NB	CB	GB	MMX	NMX	RMX	LI	HI
Adult entertainment, sexually oriented businesses, and massage parlors	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C
Airport, helicopter port, and helicopter stop	C	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C
Airport, heliport, and related landing areas and buildings	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C
Asphalt manufacturing	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P
Auto engine, body repair, undercoating shops	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	P
Blast furnace, steel furnace, blooming or rolling mill	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P
Brick, tile, or terra cotta manufacturing	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P
Building materials and lumber supply establishment	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	P
Cement, lime, gypsum, or plaster of paris manufacturing	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Central mixing plant for cement, mortar, plaster, and/or housing material	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Chemical storage or manufacturing	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P
Development of natural resources, including the extraction of minerals and natural materials together with necessary buildings and machinery	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C
Facilities with outdoor storage, including lumberyard, building material outlet, landscaping company, plumbing, heating and agricultural implement sales	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	P
Heating and electric power generating plants and all necessary uses	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P
Incineration of garbage or refuse when conducted within an enclosed plant	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P
Junk/salvage yards, places for dismantling, wrecking and disposing of material	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C
Machine and machine tool manufacture	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P
Manufacturing, compounding, or assembling of cell phones, paper, fur, glass, leather, plastics, or semiprecious metals or stone, rubber, textiles, or cloth products, tobacco, wood, or wood-like products	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	P
Meat processing	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
	P		Permitted Uses			C		Conditional Uses			N		Not Permitted			

Land Use Matrix

Industrial Uses	Zoning District															
	AG	ER	RS-180	RS-110	RG	RM	RMH	OI	NB	CB	GB	MMX	NMX	RMX	LI	HI
Manufacturing of ceramic products, excluding building materials using previously pulverized clay and kilns fired by electricity or gas	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	P
Manufacturing, compounding, processing or packing of food and food products, cosmetics, toiletries and pharmaceuticals	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	P
Meat processing	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Mineral extraction and processing	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C
Municipal solid waste landfills, inert landfills, construction and demolition landfills, refuse dump, scrap metal yard, and recycling center	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C
Office and administration facilities	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	P
Petroleum or inflammable liquids production, refining, or storage	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P
Public utilities such as electric substations, storage of materials and trucks, repair facilities, office and electric generating plants	N	N	N	N	N	N	N	C	N	N	N	N	N	N	P	P
Repair and manufacture of musical instruments, clocks, watches, toys, novelties, electrical appliances, electronic devices, light sheet metal products, mining equipment, machine tools, and machinery not requiring the use of press punch over 100 tons rated capacity or drop hammer	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	P
	P		Permitted Uses			C		Conditional Uses			N		Not Permitted			

Industrial Uses	Zoning District															
	AG	ER	RS-180	RS-110	RG	RM	RMH	OI	NB	CB	GB	MMX	NMX	RMX	LI	HI
Research, experimental, or testing laboratories	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	P
Rock, sand, or gravel distribution	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P
Sanitary landfill, refuse dump, and scrap metal yard	C	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Sawmills	C	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Slaughterhouse	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C
Smelting of copper, iron, zinc, or ore	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P
Towing and wreckage service	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	P
Tractor trailer storage	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	P
Trade/industrial school, industrial clinic	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Truck, trailer, tractor sales and service	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	N
Wholesale business, warehouse, trucking, terminal, and similar non-processing storage and distribution uses	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	P
	P		Permitted Uses			C		Conditional Uses			N		Not Permitted			

Land Use Matrix

Communication/ Utility Uses	Zoning District															
	AG	ER	RS-180	RS-110	RG	RM	RMH	OI	NB	CB	GB	MMX	NMX	RMX	LI	HI
Sewage Treatment Plant	P	P	P	P	P	P	P	C	P	P	P	C	C	C	P	P
Utility Substation	P	P	P	P	P	P	P	C	P	P	P	C	C	C	P	P
Water Tower	P	P	P	P	P	P	P	C	P	P	P	C	C	C	P	P
Wellfield/ Pumphouse	P	P	P	P	P	P	P	C	P	P	P	C	C	C	P	P
Wireless Telecommunications Facility/ Tower	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
	P		Permitted Uses			C		Conditional Uses			N		Not Permitted			

Special Districts



Article Four: Special Districts

Watershed Protection District (WSP)

4.1 Purpose

Clayton County has three small drinking water supply watersheds and two large drinking water supply watersheds. Uses permitted in this district are closely regulated to protect surface and underground water resources to ensure continuing high levels of water quality. Provisions of this district shall apply to all land lying within the boundary of the applicable watershed.

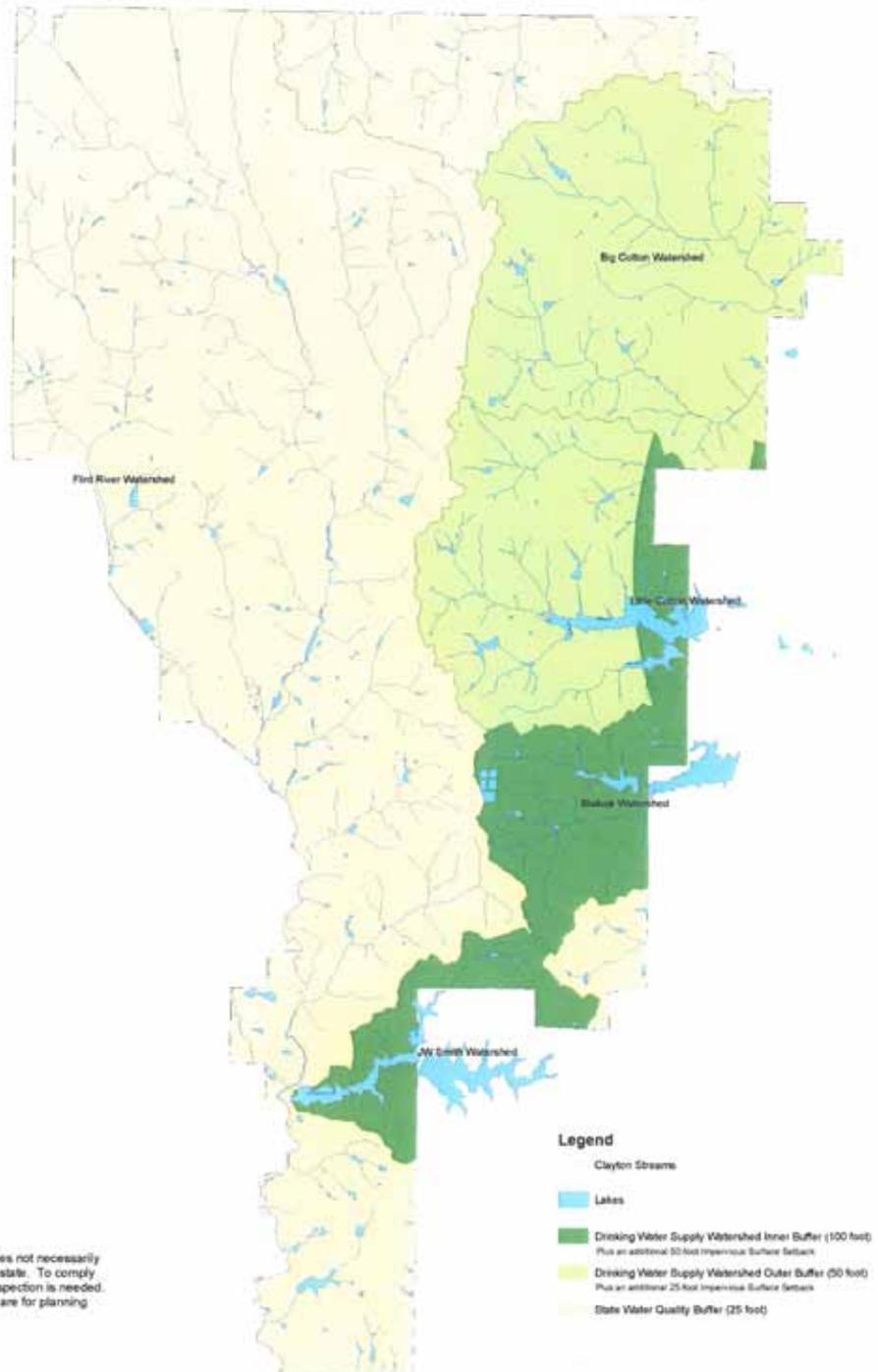
4.2 Intent

The intent of the watershed protection districts is to protect the environmental quality of Clayton County's drinking water supply watersheds.

4.3 Delineation of Boundaries

The Shoal Creek Watershed (J.W. Smith Reservoir and Shoal Creek Reservoir), Pates Creek Watershed (Shamrock Reservoir and Edgar Blalock, Jr. Reservoir), and Little Cotton Indian Creek Watershed (William J. Hooper Reservoir) are the County's small drinking water supply watersheds. The large drinking water supply watersheds are the Flint River Watershed and Big Cotton Indian Creek Watershed. All drinking water reservoirs in both small and large drinking water supply watersheds are protected by reservoir management plan. The reservoir management plans adopted by Clayton County Water Authority include the William J. Hooper Reservoir Management Plan, Edgar Blalock, Jr. Reservoir Management Plan, J.W. Smith Reservoir Management Plan, and Shoal Creek Reservoir Management Plan.

Clayton County Watershed Map



Disclaimer: This map does not necessarily identify all waters of the state. To comply with State Law, a site inspection is needed. The buffers shown here are for planning purposes only.

4.4 Applicable Permitted, Conditional Uses, and Development Standards

- A. **Permitted Structures and Uses:** Those permitted uses in the primary district to which the WSP district is appended.
- B. **Accessory Structures and Uses:** Those accessory uses allowed in the primary district to which the WSP district is appended.
- C. **Conditional Structures and Uses:** Upon application to and favorable decision thereon by the board of county commissioners that such use would promote the health, safety, morals and welfare of the County; the following conditional uses are permitted in this district. Those conditional uses allowed in the primary district to which the WSP district is appended.
- D. **Specifically Excluded Uses:** The following uses are not permitted:
 1. Agricultural uses which sell, use, store or maintain any toxic chemicals, toxic wastes or toxic products; or any agricultural activity not in compliance with the Georgia Pesticide Act of 1976, Georgia Pesticide Use and Application Act of 1976 and 1982 Ga. Laws, House Bill 1980 (O.C.G.A. § 2-1-4).
 2. Commercial businesses which use, sell, store or maintain any toxic chemicals, toxic wastes or toxic products.
 3. Dumping, discharging, releasing, spraying or distributing any toxic or other harmful products onto the land, into the atmosphere or into a stream or body of water located within a drinking water supply watershed.
 4. Industrial uses or facilities which use, make or create as a product or byproduct any toxic wastes, heavy materials or metals, grease, animal fat or organic loading.
 5. Sewage treatment facilities unless approved by the Georgia Environmental Protection Division and the Clayton County Board of Health.
- E. **Development Intensity Restrictions:** The maximum intensity of development in this district is the same as the primary district.
- F. **Development Dimensional Requirements.** The minimum development dimensional requirements in this district are the same as the primary district.

4.5 Supplemental Requirements

- A. **Supplemental requirements for small drinking water supply watersheds:** The following applies to all locations in a small drinking water supply watershed:
 1. New sanitary landfills are allowed only if they have synthetic liners and leachate collection systems.
 2. New hazardous waste treatment or disposal facilities are prohibited.
 3. New facilities, which handle hazardous materials of the types and amounts determined by the Department of Natural Resources, shall perform their operations on impermeable surfaces having spill and leak collection systems as prescribed by the Department of Natural Resources.
 4. All developments within the small drinking water supply watershed must comply with the Clayton County Water Authority Guidelines.
- B. **Perennial Stream Corridors:** The perennial stream corridors within a 7-mile radius of the drinking water intake are protected by the following:
 1. A 100-foot buffer on both sides of the stream as measured from the stream bank.
 2. Impervious surfaces are prohibited within a 150-foot setback area on both sides of the stream as measured from the stream bank.

3. Septic tanks and septic tank drainfields are prohibited in the 150-foot setback areas on both sides of the stream as measured from the stream bank.
- C. **Small Drinking Water Supply:** The perennial stream corridors within the small drinking water supply watershed and outside of the 7-mile radius of the drinking water intake are protected by the following:
1. 50-foot buffer on both sides of the stream as measured from the stream bank.
 2. Impervious surfaces are prohibited within a 75-foot setback area on both sides of the stream as measured from the stream bank.
 3. Septic tanks and septic tank drainfields are prohibited in the 75-foot setback areas on both sides of the stream as measured from the stream bank.
- D. **J.W. Smith Reservoir:** In addition to the above, all lots abutting the J.W. Smith Reservoir property must also comply with the following restrictions:
1. All such lots are to be at least 50,000 square feet in area.
 2. Such lots are generally to have a minimum depth of at least 400 feet. However, up to ten percent of such lots may vary from this standard; provided that compliance with the standard would pose a unique hardship due to the configuration of the reservoir property; and the average depth of nearly all such lots is 400 feet or greater.
 3. All such lots shall have a permanent 150-foot protection buffer adjoining the reservoir property. No septic tanks, septic tank absorption field, related structure or feature, substantial structure, or other feature which may adversely impact the reservoir may occupy any portion of this 150 foot buffer. Additionally, it is preferable that this area be a natural vegetated buffer.
 4. Access to the J.W. Smith Reservoir to conform to the Clayton County Water Authority policies.
 5. Sanitary sewer to be installed unless EPD indicates such sewer should not be installed.
- E. **Supplemental requirements for large drinking water supply watersheds:** New facilities located within 7-miles of a drinking water intake in a large drinking water supply watershed, which handle hazardous materials of the types and amounts determined by the Department of Natural Resources, shall perform their operations on impermeable surfaces having spill and leak collection systems as prescribed by the Department of Natural Resources.

4.6 Buffer Requirements

- A. **Buffer Composition:** The buffers required in this section are to provide protection to the County's drinking water source and therefore, are intended to be left in their natural undisturbed state.
- B. **Buffer Exceptions from County:** Variances required in this Section will only be issued in cases where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship only upon a finding by the Zoning Administrator or the Director of the Transportation and Development Department that all of the following conditions exist:
1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;
 2. The application of this ordinance to the particular piece of property would create an unnecessary hardship;
 3. The special circumstances surrounding the request for a variance are not the result of acts by the applicant;

4. The variance is not a request to permit a use of land, buildings, or structures that are not permissible in the district involved;
 5. The variance will not result in an increase of the impervious surface of the development beyond that prescribed in this ordinance (applicable only to water supply watersheds); and
 6. Relief if granted, would not cause substantial detriment to the water quality of Clayton County or impair the purposes and intent of this ordinance.
- C. **Buffer Exceptions from State:** Any encroachment into the twenty-five (25) feet undisturbed State Water Buffer will require a buffer variance from the Georgia Environmental Protection Department.
- D. **Conditions:** The Zoning Administrator or the Director of Transportation and Development may, as a condition of the variance to certain provisions of this ordinance, require that alternative measures be taken by the applicant such that the purpose of this ordinance may be achieved through alternative means.
- E. **Miscellaneous:** All drinking water reservoirs in both small and large drinking water supply watersheds are protected by a reservoir management plan. All lots within these areas shall have a permanent 150-foot protection buffer adjoining the reservoir property from the normal full-pool elevation. No septic tanks, septic tank drainfields, related structure or feature, substantial structure, or other feature, which may adversely impact the reservoir, may occupy any portion of this 150-foot buffer. Additionally, it is preferable that this area be a natural, vegetated buffer. In cases when the requirements of this section conflict with the requirements within itself or any other lawfully adopted rules, regulations, resolutions, deed restrictions or covenants, the more restrictive or that imposing higher standards shall govern.

Highway 138, Tara Boulevard, and Cherry Hills Overlay Districts

4.7 Purpose

The purpose of the Cherry Hills Overlay District, the Highway 138 Overlay District, and the Tara Boulevard Overlay District is to implement the policies of the Board of Commissioners as adopted in the Clayton County Comprehensive Plan.

4.8 Intent

The intent of these designated Overlay Districts is:

1. To enhance the quality and compatibility of development in the Overlay;
2. To encourage appropriate redevelopment of vacant and underutilized properties;
3. To create developments that are aesthetically pleasing, architecturally distinct and environmentally sustainable;
4. To encourage a balance of uses for living, working, shopping and recreating that are accessible within a convenient distance from each other;
5. To promote safe and efficient movement for all persons using various modes of travel within the Overlay Districts including motorized vehicles, bicycles, walking and public transit;
6. To encourage innovative development projects that set high standards for landscaping, open space, community design and public amenities;
7. To establish consistent and relational design standards for public improvements and private property development within the Overlay in order

- to create a distinctive visual quality for the designated Overlay Districts;
- 8. To protect and enhance the value of properties in the Overlay, by ensuring that surrounding properties are developed harmoniously and consistently; and
- 9. To promote tourism within the Overlay by creating distinct and aesthetically pleasing traffic corridors.

4.9 Application of Overlay Districts

- A. Overlay Districts are supplemental to the underlying zoning district classifications established in the Clayton County Zoning Ordinance that governs all properties within Clayton County. Within areas mapped as Overlay Districts in this Article, these Overlay District regulations shall be overlaid upon, and shall be imposed in addition to, stated underlying zoning regulations which shall still apply except where inconsistent with the regulations of the Overlay District.
- B. The standards and requirements of the Overlay District shall govern in any case where standards and requirements of the Overlay District conflict with those of the base zoning district or other provisions of the Zoning Ordinance, including but not limited to the Subdivision Regulations.
- C. Any parcel of land that is wholly or partly within the boundary shall be included in the applicable Overlay District.
- D. The provisions of each designated Overlay District shall apply to all applications for Zoning Amendments, Conditional Use Permits, Planned Unit Developments, Site Development Plans, Construction Plans, Preliminary Plats, Final Plats, and Building Permits for all property and rights-of-way within the boundaries of the Overlay District.
- E. The same uses are permitted in the Overlay District as in the underlying zoning district, and any use that is prohibited or subject to conditional use approval in the underlying zoning district is similarly prohibited or subject to conditional use approval in the Overlay, unless otherwise specified herein.
- F. All State and County road and utility projects shall be exempt from all requirements of the Overlay District.

4.10 Overlay Districts' Boundary Maps

- A. **Boundary Map:** The boundaries of the Overlay are shown on the Official Zoning Map, whose boundary and maps are hereby incorporated in Article 5, Zoning Map, of this ordinance and made part of this Overlay District. Copies of the map of the following Overlay areas are available for inspection during normal business hours in the Department of Community Development:
 - 1. Highway 138 Corridor Overlay District;
 - 2. Tara Boulevard Corridor Overlay District; and
 - 3. Cherry Hills Area Overlay District.
- B. **Map Amendment:** No change in the boundary of the Overlay District shall be authorized, except by the Board of Commissioners pursuant to procedures in Article 13.3, Zoning Amendment (ZA), of the Zoning Ordinance.

4.11 Procedures

- A. **Procedures for Zoning Amendment Process.** Zoning Amendment application procedures for property located within the Overlay District shall be as provided in Article 13.3, Zoning Amendment (ZA), of the Zoning Ordinance with the following modifications.

1. **Multi-Modal Access Plan.** An access plan shall be submitted showing connections from the system of streets, alleys, sidewalks and multi-use paths shown in the conceptual transportation plan to the entrances of all occupied buildings within the subject property. Convenient pedestrian ways shall be shown from sidewalks along streets to each building entrance, including designated pedestrian access routes across parking lots and between adjacent buildings within the same development. Where an existing or planned public transportation station or stop is within 1,000 feet (straight line distance measured from the entrance of the station or stop) from any boundary of the subject property, the access plan shall show how pedestrians may travel safely and conveniently from such station or stop to the entrance of buildings on the subject property. Where an existing or planned multi-use path is located within 1,320 feet (straight line distance) from any boundary of the subject property, the access plan shall show how safe, continuous and convenient bicycle and pedestrian access may be provided to the subject property.
 2. **Shared Parking Analysis.** A shared parking analysis for use of shared parking shall be submitted, if applicable. Shared parking shall meet the requirements of the Overlay design standards listed in Article 4.18 of this Ordinance.
- B. **Procedures for Planned Unit Development.** Planned Unit Development application procedures for property located within the Overlay District shall be as provided in Article 7, Planned Unit Development (PUD), of the Zoning Ordinance with the following modifications.
1. **Multi-Modal Access Plan.** An access plan shall be submitted showing connections from the system of streets, alleys, sidewalks and multi-use paths shown in the conceptual transportation plan to the entrances of all occupied buildings within the subject property. Convenient pedestrian ways shall be shown from sidewalks along streets to each building entrance, including designated pedestrian access routes across parking lots and between adjacent buildings within the same development. Where an existing or planned public transportation station or stop is within 1,000 feet (straight line distance measured from the entrance of the station or stop) from any boundary of the subject property, the access plan shall show how pedestrians may travel safely and conveniently from such station or stop to the entrance of buildings on the subject property. Where an existing or planned multi-use path is located within 1,320 feet (straight line distance) from any boundary of the subject property, the access plan shall show how safe, continuous and convenient bicycle and pedestrian access may be provided to the subject property.
 2. **Shared Parking Analysis.** A shared parking analysis for use of shared parking shall be submitted, if applicable. Shared parking shall meet the requirements of the Overlay design standards listed in Article 4.18 of this Ordinance.
 3. **Traffic Impact Study.** A traffic impact study shall be submitted at the time for submittal of the Detailed Development Plan for residential developments with more than 120 dwelling units and for any non-residential developments deemed likely by the Department of Transportation and Development to generate 100 or more p.m. peak hour trips. The traffic impact study shall follow procedures established by the most recent edition of the ITE Transportation Impact Analysis for Site Development.
- C. **Procedures for Review and Approval of Land Development Requiring Subdivision.** Land development within the Overlay District that requires subdivision shall be as provided in the Subdivision Ordinance of Clayton County, with the following modifications.

1. **Multi-Modal Access Plan.** An access plan shall be submitted showing connections from the system of streets, alleys, sidewalks and multi-use paths shown in the conceptual transportation plan to the entrances of all occupied buildings within the subject property. Convenient pedestrian ways shall be shown from sidewalks along streets to each building entrance, including designated pedestrian access routes across parking lots and between adjacent buildings within the same development. Where an existing or planned public transportation station or stop is within 1,000 feet (straight line distance measured from the entrance of the station or stop) from any boundary of the subject property, the access plan shall show how pedestrians may travel safely and conveniently from such station or stop to the entrance of buildings on the subject property. Where an existing or planned multi-use path is located within 1,320 feet (straight line distance) from any boundary of the subject property, the access plan shall show how safe, continuous and convenient bicycle and pedestrian access may be provided to the subject property.
 2. **Traffic Impact Study.** A traffic impact study shall be submitted for residential developments with more than 120 dwelling units and for any non-residential developments deemed likely by the Department of Transportation and Development to generate 100 or more p.m. peak hour trips. The traffic impact study shall follow procedures established by the most recent edition of the ITE Transportation Impact Analysis for Site Development.
 3. **Shared Parking Analysis.** A shared parking analysis for use of shared parking shall be submitted, if applicable. Shared parking shall meet the requirements of the Overlay design standards listed in Article 4.18 of this Ordinance.
 4. **Signage Master Plan.** For all multi-tenant or multi-owner developments other than single-family residential subdivisions, a signage master plan shall be submitted at the time of review of the preliminary plat. The signage master plan shall contain the following information on a copy of the preliminary plat:
 - a. Provide a computation for each proposed sign and/ or existing sign to remain, except for window signs and temporary signs, indicate the proposed number of signs and the total sign area of such signs, the proposed location, type, height, and sign area of each sign.
 - b. Provide a computation of the maximum permitted number of signs, maximum permitted total sign area, and maximum permitted area for individual signs permitted under Article 8, Sign Standards (SS), of this Ordinance.
- D. **Procedures for Review and Approval of Land Development not requiring a Subdivision.** Land development within the Overlay District that does not require subdivision shall be as provided in Article 11, Site Development Plans, with the following modifications. However, single family lots of record are exempt from these requirements, pursuant to Article 4.25.
1. **Multi-Modal Access Plan.** An access plan shall be submitted showing connections from the system of streets, alleys, sidewalks and multi-use paths shown in the conceptual transportation plan to the entrances of all occupied buildings within the subject property. Convenient pedestrian ways shall be shown from sidewalks along streets to each building entrance, including designated pedestrian access routes across parking lots and between adjacent buildings within the same development. Where an existing or planned public transportation station or stop is within 1,000 feet (straight line distance measured from the entrance of the station or stop) from any boundary of the subject property, the access plan shall show how pedestrians may travel safely and conveniently from

such station or stop to the entrance of buildings on the subject property. Where an existing or planned multi-use path is located within 1,320 feet (straight line distance) from any boundary of the subject property, the access plan shall show how safe, continuous and convenient bicycle and pedestrian access may be provided to the subject property.

2. **Traffic Impact Study.** A traffic impact study shall be submitted for residential developments with more than 120 dwelling units and for any non-residential developments deemed likely by the Department of Transportation and Development to generate 100 or more p.m. peak hour trips. The traffic impact study shall follow procedures established by the most recent edition of the ITE Transportation Impact Analysis for Site Development.
3. **Shared Parking Analysis.** A shared parking analysis for use of shared parking shall be submitted, if applicable. Shared parking shall meet the requirements of the Overlay design standards listed in Article 4.18 of this Ordinance.
4. **Signage Master Plan.** For all multi-tenant or multi-owner developments other than single-family residential subdivisions, a signage master plan shall be submitted at the time of review of the preliminary plat. The signage master plan shall contain the following information on a copy of the preliminary plat:
 - a. Provide a computation for each proposed sign and/ or existing sign to remain, except for window signs and temporary signs, indicate the proposed number of signs and the total sign area of such signs, the proposed location, type, height, and sign area of each sign.
 - b. Provide a computation of the maximum permitted number of signs, maximum permitted total sign area, and maximum permitted area for individual signs permitted under Article 8, Sign Standards (SS), of this Ordinance.

4.12 Public Improvement Standards

Public rights-of-way within the Overlay District shall be improved in accordance with the following standards:

- A. **Street Standards.** Street standards shall be designed in accordance with the Department of Transportation and Development's Land Disturbance and Right-of-Way Construction Guidelines.
- B. **Multi-Use Paths.**
 1. No motorized vehicles, except golf carts.
 2. Maximum grade of 6 percent.
 3. 20-foot wide dedicated easement.
 4. 12 feet wide and concrete construction.
 5. Shoulder width variable, based on topography.
 6. 5-foot flare at street intersections, with ramp to street and removable bollards spaced 6 feet apart to block motorized traffic, except golf carts. The Sight Visibility Standards (SV) of Article 6.27 must be maintained.
 7. Multi-use paths shall be located outside all required buffers, except that a required buffer may contain one or more crossings of a multi-use path provided that such crossing:
 - a. Is part of an approved multi-modal access plan required in Article 4.11 of this Ordinance.
 - b. Is approximately perpendicular to the required buffer.
 - c. Is designed to have the least disruption to the intended screening provided by the required buffer.

8. Multi-use paths shall be required in order to facilitate pedestrian and golf cart access from residential and non-residential developments to schools, parks, playgrounds and other County amenities via the multi-use path system. If, at the time of conceptual approval, there are no completed multi-use paths to which the multi-use paths of the proposed developer can be linked, the developer may, at its option, and only with the approval of the Zoning Administrator, in lieu of installing the multi-use paths, dedicate the easements and deposit a cash payment with the Board of Commissioners equal to the cost of installing the multi-use paths. This cost shall be determined by the County engineer. Such deposit shall be placed in a multi-use path construction fund to be established by the Board of Commissioners. When the multi-use system is extended to the boundary of the development, the Board of Commissioners will use the deposit to construct the multi-use paths in the development.

C. Sidewalks.

1. All sidewalks shall have a minimum width of 5 feet along all roads in residentially zoned or used areas and 6 feet in all commercial, industrial, and mixed use development areas as defined within the Department of Transportation and Development's Land Disturbance and Right-of-Way Construction Guidelines.
2. Continuous sidewalks must be provided to connect building entrances to required sidewalks along street frontage.

D. Street Trees.

1. Street trees shall be provided in medians and required landscaped strips adjacent to all streets rights-of-way.
2. Landscape strips along any collector and arterial roadways shall be a minimum of 10-feet wide.
3. Street trees shall have a minimum 2.5-inch caliper and 6 feet in height at the time of planting and be warranted by the developer for a period of 2 years.
4. Street trees shall be spaced an average of 30 feet apart.
5. Spacing of street trees and streetlight standards may be adjusted to account for driveways, utility poles, fire hydrants and other obstructions and to provide adequate visual clearance for intersections, driveways and traffic control devices.
6. No street tree or streetlight standard shall be placed within 10 feet of another tree, streetlight standard, utility pole or within 5 feet of a fire hydrant.
7. Appropriate street tree species include:
 - a. Eastern Hornbeam.
 - b. Red Maple.
 - c. Southern Sugar Maple.
 - d. Willow Oak.
 - e. Other trees similar to the above and suitable for urban pedestrian environment, upon approval of the County Arborist or his/her designee.
 - f. No more than 25 percent of the total number of the trees installed may be of any one genus.

E. Landscaping.

1. Medians and landscaped strips shall be planted with grass and a variety of low, hardy shrubbery and flowering plants, and/or flowering trees with mulched beds. Areas of exposed earth shall not be allowed. Landscaping shall be approved by the County Arborist or his/ her designees.
2. Maintenance. All landscape materials required by this article or other article of the Zoning Ordinance shall be maintained by the property owner or Property

Owners' Association. Such maintenance shall keep landscape materials healthy, neat and orderly in appearance, and free of litter and debris. Landscape materials that die or that, in the opinion of the County Arborist or his/her designee, are diseased shall be replaced by the property owner or Property Owners' Association.

F. Buffer Yard.

1. Where a lot on the external boundary of the Cherry Hills, the Highway 138, the Tara Boulevard Overlay District adjoins the boundary of any property outside the delineated Overlay District that is zoned for any residential zoning classification and/or residential use, a buffer yard not less than 50 feet in width shall be provided and maintained in a natural state or so as to maintain an effective visual screen.
2. Where a lot on the external boundary of the Cherry Hills, the Highway 138, the Tara Boulevard Overlay District adjoins the boundary of any property outside the delineated Overlay District that is zoned for any non-residential zoning classification and/or non-residential use, a buffer yard shall be planted as identified within Article 6.35, Buffer Yard Standards (BY).
3. Said buffer yard shall not be paved and shall not be used for parking, loading, storage, or any other use, except where necessary to grade or modify a portion of the yard buffer for the installation of utilities necessitated by the development. Water detention ponds shall not be located within buffer yard. No trees, other than dead or diseased trees, shall be removed from said buffer yard, but additional trees and plant material may be added to the buffer yard.

G. Street and Pedestrian Lighting.

1. Streetlights of a decorative design, consistent with Clayton County Department of Transportation and Development standards shall be provided for automobiles on all roadways.
2. Additional lighting of a decorative design approved by the Zoning Administrator shall be provided for pedestrians and bicyclists along all public streets and along all multi-use trails. These lights shall be a maximum of 15 feet in height with average spacing not to exceed 40 feet apart. When design standards call for pedestrian lighting in the same proximity as the streetlights required in this subsection, a streetlight for automobiles may substitute for lighting for pedestrians that would otherwise be required at approximately the same location.

H. Underground Utilities.

1. For all new construction and redevelopment, utilities along public streets must be placed underground.
2. All utilities except for major electric transmission lines and substations are required to be placed underground within a development except where the Board of Zoning Appeals determines that underground utilities are not feasible due to pre-existing physical conditions, such as conflicting underground structures or utilities, shallow rock, high water table, or other similar geologic or hydrologic conditions. A variance may be requested to be heard by the Zoning Board of Appeals in accordance with Article 13.21, Variance Process (VA).

4.13 Development Standards

A. Property Development Standards. Property within the Overlay shall be developed in accordance with the following standards:

1. Density. Maximum permitted density shall be as provided in the underlying zoning district, except as provided in paragraph 2 of this subsection.

2. Density and Height Bonus. If all requirements within this Article are met, the developer of the property shall be entitled to additional intensity of use for uses authorized in the applicable zoning district and in accordance with the following tables:

Highway 138

Zoning District	Bonus Per Acre Dedicated & Constructed	Height Bonus (over base height)
Office-Institutional District (OI)	14,000 sq. ft. of any authorized use	+12'
General Business District (GB)	7,000 sq. ft. of any authorized use	+12'
Medical Mixed Use District (MMX)	7,000 sq. ft. of any authorized use	+12'
Neighborhood Mixed Use District (NMX)	4 additional dwelling units per acre	+12'
Regional Mixed Use District (RMX)	8 additional dwelling units per acre	+12'

Tara Boulevard

Zoning District	Bonus Per Acre Dedicated & Constructed	Height Bonus (over base height)
Office Institutional District (OI)	21,000 sq. ft. of any authorized use	+25'
General Business District (GB)	7,000 sq. ft. of any authorized use	+18'
Neighborhood Mixed Use District (NMX)	4 additional dwelling units per acre	+18'
Regional Mixed Use District (RMX)	8 additional dwelling units per acre	+25'

Cherry Hills

Zoning District	Bonus Per Acre Dedicated & Constructed	Height Bonus (over base height)
Office Institutional District (OI)	28,000 sq. ft. of any authorized use	+30'
General Business District (GB)	14,000 sq. ft. of any authorized use	+25'
Neighborhood Mixed Use District (NMX)	4 additional dwelling units per acre	+25'
Regional Mixed Use District (RMX)	8 additional dwelling units per acre	+36'

- B. To ensure transition of the height, bulk, and density of structures within the designated Overlay District and the properties adjacent to the overlay boundary, any property abutting a residential zoned district and/or residential use shall have a maximum building height no greater than 35 feet for any structure located within 40 feet of the buffer yard. This requirement shall apply to the entire structure if any part of it encroaches into the 40 feet zone.

4.14 Access Management Standards

Access Management Standards shall be designed and constructed in accordance with the Department of Transportation and Development's Land Disturbance and Right-of-Way Construction Guidelines, with the following modifications.

- A. **Vehicular Access Points.** Minimum required points of access shall be constructed in accordance with the Table of Vehicular Access Points listed below:

Table of Vehicular Access Points

Type of Development	Minimum Number of Vehicular Access Points to Public Streets
Residential, < 100 units	1
Residential, 100 units or more	2
Non-residential, less than 50 parking spaces	1
Non-residential, 50-299 required parking spaces	2
Non-residential, 300-999 required parking spaces	3
Non-residential, 1,000 or more required parking spaces	4 or more

- B. Access Easements and Inter-Parcel Access.** Inter-parcel access, joint driveways, cross-access drives and access easements all intended to provide shared access across adjacent properties shall be provided as follows, except where the Director of Transportation and Development determines that they are unfeasible because of topographic or other site-specific constraints:
1. Abutting non-residential developments on collector and arterial roadways shall provide a cross-access drive and sidewalk access to allow circulation between sites.
 2. Joint driveways and cross access easements shall be established for multi-parcel, non-residential and mixed use development wherever feasible along collector and arterial roadways. The building site shall incorporate the following:
 - a. Continuous cross-access drives connecting adjacent parcels along the thoroughfare.
 - b. A design speed of 15 mph and a two-way travel aisle with a minimum of 20 feet to accommodate automobiles, service vehicles and loading vehicles.
 - c. Driveway aprons, stub-outs and other design features to indicate that abutting properties may be connected to provide cross access via a service drive.
 3. The Director of Transportation and Development may reduce the required separation distance of access points where the minimum required distance proves impractical, provided all of the following requirements are met.
 1. Joint-access driveways and/or cross-access easements are provided in accordance with this section.
 2. The site plan incorporates a unified access and circulation system for vehicles and pedestrians in accordance with this section.

4.15 Lot Standards

District standards as identified within Article 3 of the underlying zoning district shall govern, subject to the following modifications.

1. **Lot width.** The minimum lot width for commercial property shall be 100 feet at the right-of-way line.
2. **Reduced front setbacks.** For mixed use properties in NMZ and RMZ Zoning Districts, the front yard setbacks may be reduced from the underlying zoning district dimensions to zero feet.
3. **Reduced side setbacks.** Setbacks may vary from the underlying zoning district dimensions, provided that 15 feet exist between foundations of buildings located interior to the same lot.

4.16 Open Space Standards

Open space requirements of the underlying zoning districts shall govern the percentage of open space required, subject to the following modifications.

- A. Categories of Open Space.** Open space required in the designated Overlay District shall be held under unitary ownership or control and shall consist of any of the following three categories of land:
1. **Primary conservation area.** This category includes streams; wetlands designated by the national wetlands inventory; 100-year floodplain, as identified on federal insurance rate maps; steep slopes exceeding 25 percent; areas of exposed rock; and private cemeteries and burial grounds. These areas shall be left

in a natural and undisturbed state, except for the fewest possible perpendicular crossings of essential access roads and utility lines.

2. **Secondary conservation area.** This category includes land in water supply watersheds; aquifer recharge areas identified in the Clayton County Comprehensive Plan; riparian and wetland buffers that are over 25 feet in width; significant habitat areas, as identified in the Clayton County Comprehensive Plan; areas containing archaeologically or historically significant structures or sites, as identified in the Clayton County Comprehensive Plan; and related contextual areas, soils unsuitable for septic tanks, prime agricultural soils, mature hardwood forest, meadows, farm fields, pastures and other areas with scenic views.
 3. **Outdoor recreation area.** This category includes greenways, trails, bikeways, paths, tennis courts, ball fields, playfields, courts, golf courses, swimming pools, clubhouses, bicycle facilities, equestrian facilities, beaches, docks, seating areas, amphitheaters, stages, band shells, community buildings, fountains, plazas, patios, decks, lawns, picnic shelters and picnic areas, landscaping and other land containing outdoor recreation structures and facilities. Lakes and ponds are allowed in outdoor recreation areas, but their surface area shall not be counted as open space.
- B. **Impervious Areas.** Parking lots, drives, walks, buildings and other impervious surfaces may be included in required open space, provided that they constitute no more than ten percent of the total required open space.
 - C. **Accessibility of Open Space.** Open space shall be designed and located for the convenient access and enjoyment of all users of the property. Access to open space shall be within 1,000 feet of all occupied buildings in the development. All occupied buildings shall be connected to the open space by improved pathways or sidewalks.
 - D. **Contiguous Open Space.** Not less than 50 percent of required open space shall be in a contiguous tract.
 - E. **Interconnected Open Space Network.** It is the intent of this section that the protected conservation areas, open spaces, greenways, bikeways, trails, sidewalks and outdoor recreation areas within a development that provides open space be continuous with compatible areas containing similar features on abutting property. The design of developments shall provide for maximum connections, providing pedestrian and bike access to off-site and on-site attractions such as public trails, paths, parks, and wildlife refuges; public facilities such as community centers, schools, libraries, fire and police stations, senior centers, railroad right-of-way, and utility easements; and institutions such as universities, churches, museums and other cultural facilities.
 - F. **Ownership, Maintenance, and Control of Open Space.** Common open space within a development shall be held in unitary ownership or control and perpetually administered and maintained by any of the following methods, either individually or in combination, and subject to approval by the County:
 1. **Fee-simple dedication.** Open space or common areas within developments may be offered for dedication to the public at the time of application. Dedication shall take the form of a fee simple ownership and be accepted by the Board of Commissioners. The County may, but shall not be required to, accept undivided open space, provided that:
 - a. The size, location, type of development, cost of development or maintenance of such open space or common area or the availability of public open space would make public use desirable or necessary.
 - b. Such land is accessible to the public.

- c. There is no cost to the County.
 - d. The developer conveys to the County a copy of the deed of conveyance and a title certificate or, at the request of the Zoning Administrator, a commitment for a policy of title insurance issued by an insurance company authorized to do business in the State of Georgia, assuring unencumbered title for all lands proposed to be conveyed to the County, other appropriate governmental agency or other organization, including the nonprofit organization.
2. **Property Owners Association.** The undivided open space and associated facilities may be held in common ownership in perpetuity by a Property Owners' Association established in accordance with the laws of the State of Georgia. The association shall be formed and operated under the following additional provisions:
- a. The developer shall provide a description of the association, including its bylaws and methods for maintaining open space.
 - b. The association shall be organized by the developer and shall be operated by the developer until the sale of two-thirds of the lots within the development.
 - c. Membership in the association is mandatory for all purchasers of property and their successors.
 - d. The association shall be responsible for perpetual maintenance of insurance and taxes on undivided open space, enforceable by liens placed by the County or any homeowner on the association.
3. **Private conservation organization.** The owner of open space may transfer easements to a private, non-profit organization among whose purposes it is to perpetually conserve open space, provided that:
- a. The organization is a conservation organization with perpetual existence.
 - b. The conveyance contains appropriate provisions for proper reversion or retransfer, in the event that the organization becomes unwilling or unable to continue carrying out its functions.
 - c. A perpetual maintenance agreement acceptable to the County is entered into by the developer and the organization subject to the provision of Article 6.25 of the Subdivision Regulations.
 - d. Prior to dedication or conveyance of open space, the following documents shall be submitted to and approved by the County and such approval shall be obtained before any final plat is recorded or final site plan is approved. Such documents, once approved, shall become part of the recorded subdivision plat or approved site plan.
 - i. Specification of the ownership of the common open space.
 - ii. The articles of incorporation or other organizational documentation for the nonprofit organization.
 - iii. The bylaws of the non-profit organization. The covenants or restrictions related to the use of common property, including the system and amounts of assessments for perpetuation and maintenance.
 - iv. The covenants or restrictions related to the use of common property, including the system and amounts of assessments for perpetuation and maintenance.
 - v. A document granting the right-of-entry upon such common property to the County law enforcement officers, rescue squad personnel and fire fighting personnel while in the pursuit of their duties, and, in the case of private streets and common driveways, permitting the enforcement of cleared emergency vehicle access.

- vi. A specification of methods of maintenance, responsibilities of maintenance, and a recommended time schedule for the maintenance of major facilities, including streets, street signs, pools, sidewalks, parking areas and buildings.
- vii. A guarantee that any association formed to own and maintain open space will not be dissolved without notice to the County.
- viii. A copy of the proposed notice that will be given to prospective buyers regarding the organization, assessments and fiscal program.
- ix. A specification of compulsory membership and compulsory assessment provisions.

G. **Liens by Clayton County.** In the event that the party responsible for maintenance of the open space fails to maintain all or any portion in reasonable order and condition, the County reserves the right to seek a court order allowing it to enter the property, take corrective action, and receive a judgment for the costs of corrective action as well as attorney's fees for bringing the action.

4.17 Architectural Standards

The following architectural standards shall apply:

1. **Minimum Façade Height.** A minimum façade height of 18 feet shall be maintained on arterial and collector roadways.
2. **Street Orientation.** Principal building entrances shall be oriented to public streets wherever possible. When approved by the Zoning Administrator, a principal building entrance may be oriented to a side yard provided said entrance is not more than 100 feet from the right-of-way of an adjacent street and directly connected to the adjacent street frontage by a continuous sidewalk not less than 5 feet in width.
3. **Building Materials.** Buildings materials for all exterior wall facades shall be constructed of brick, stone, textured concrete masonry units, stucco, or glass. Single-family dwelling facades shall be constructed with brick, stone, stucco, cement fiber board, wood siding or similar material approved by the Zoning Administrator.
4. **Color.** All materials shall be earth-tone in color, as approved by the Zoning Administrator.
5. **Prohibited Materials.** Metal siding, vinyl siding, metal canopies and smooth faced concrete masonry units are prohibited.
6. **Exceptions.** Vinyl products shall only be used for soffits, eaves, and fascia of residential structures.
7. **Customer Entrances for Non-Residential Uses.** All customer entrances located along the front facade, shall feature a combination of three or more of the following features:
 - a. Canopies and porticos.
 - b. Overhangs.
 - c. Recesses or projections.
 - d. Arcades.
 - e. Raised, corniced parapets.
 - f. Peaked roof forms.
 - g. Arches.
 - h. Display windows.
 - i. Architectural details, such as tile work and moldings which are incorporated into the building structure and design.

8. **Single-Family Residential.** Each single-family attached and/or detached dwelling unit shall utilize at least four of the following architectural design features:
 - a. Dormers.
 - b. Bay or bow windows.
 - c. Garage setback at least 20 feet behind the facade of the principal structure.
 - d. Side- or rear-entry garage.
 - e. Covered porch entry (covered front porch).
 - f. Transoms and sidelights.
 - g. Off-sets on building face or roof (minimum two feet).
 - h. A roof with a pitch greater than 8:12 and a minimum overhang of 12 inches on all sides.
 - i. Columns, pillars, or posts on facade.
 - j. Shutters and other window decorations.
 - k. Arched or Palladian windows.
 - l. Hip and gable roof lines.
9. **Accessory Structures.** Building materials, architectural features and colors of exterior finishes of accessory structures shall be consistent with the principal structure.
10. **Massing and Modulation.** The massing of building facades oriented to public streets shall incorporate either modulation, defined here as a wave in the exterior wall, with horizontal breaks at least every 100 feet. Front façade design shall provide varying wall offsets and other architectural features to create horizontal (wall) and vertical building articulation.
11. **Fenestration.** At least 40 percent of non-residential facades facing arterial and collector roadways must be clear glass.
12. **Roof features.** Rooflines shall incorporate roof features (extensions, and/or projections such as a gable, parapet, dormers or others) that achieve visual interest through variation of the roofline. These features shall conform to the following specifications:
 - a. Roof features shall not exceed the average height of the supporting walls.
 - b. The average height of parapets shall not exceed 15 percent of the height of the supporting wall. Parapets shall feature three dimensional cornice treatments.
 - c. Cornices shall have perceptible projection or overhanging eaves that extend past the supporting walls.
 - d. The roof pitch of sloped roofs shall be a minimum of 4:12 (vertical to horizontal).
13. **Roof Top Equipment.** All roof-top equipment shall be screened from public view by parapets, dormers or other screens.
14. **Fencing.** Chain link fencing shall not be visible from any public street.

4.18 Parking Standards

Off-street parking shall be required as in Article 6.32, Parking Standards (PK), of this Zoning Ordinance, except as provided below.

1. **Location.** No more than 25 percent of the required number of parking spaces for a non-residential zoning district and/or use shall be located in the front yard.
2. **Screening.** Where a parking lot is adjacent to a street or public right-of-way, the parking lot shall be screened from the right-of-way by a minimum landscape strip

of 10-feet wide having a variety of hardy shrubbery, flowering plants, and flowering/ shade trees, as approved by the County Arborist, or his/ her designee.

3. **Lighting.** Parking lots with more than 25 spaces must be illuminated. Lighting fixtures must minimize the diffusion of light to other properties in accordance with Article 6.36, Outdoor Lighting (OL), with the following modifications:
 - a. All lighting poles and fixtures shall be decorative, as approved by the Zoning Administrator.
4. **Bicycle parking.** All uses that are required to provide off-street parking spaces for motorized vehicles shall also provide bicycle parking spaces. Uses that require up to 25 off-street parking spaces for motorized vehicles shall provide at least one bicycle space, plus a minimum of one more bicycle space for each additional 50 parking spaces required for motorized vehicles.
5. **Shared parking.** The following standards shall apply for shared parking.
 - a. The Zoning Administrator may approve a reduction of up to 25 percent in the number of parking spaces required for a specific use where inter-parcel access is provided and a shared parking analysis, which is approved by the Zoning Administrator, demonstrates that adequate parking will be provided.
 - b. Per the table below, a shared parking calculation projection shall be provided that demonstrates that each use will have adequate parking provisions at all times. The process for determining the minimum parking requirements for a mixed use development or for contiguous properties containing multiple uses is:
 - i. Determine the minimum number of parking spaces required for each use category from Article 6.32, Parking Standards (PK) of this zoning ordinance.
 - ii. Multiply each parking requirement by the corresponding percentage for each of the time periods shown on the table below.
 - iii. Total the number of parking spaces for each of the time periods (add together the numbers in each column).
 - iv. The largest column total is the minimum shared parking requirement for the development or collectively for the contiguous properties.
 - v. In no case shall parking spaces that are farther than 1,000 feet from a building entrance be allowed to satisfy off street parking requirements for a use or be counted towards shared parking requirements.

Shared parking space requirements

Use	WEEKDAYS		WEEKENDS	
	Daytime 6 a.m.--5 p.m.	Evening 5 p.m.--1 a.m.	Daytime 6 a.m.--5 p.m.	Evening 5 p.m.--1 a.m.
Residential	80%	100%	80%	100%
Office	100%	10%	20%	5%
Retail	95%	85%	100%	70%
Hotel	60%	100%	60%	100%
Restaurant	75%	100%	60%	100%
Entertainment	50%	85%	70%	100%
Church	50%	50%	100%	60%

4.19 Parking Lot Landscaping Standards

Parking lot landscaping shall be required as in Article 6.34, Landscaping Standards (LS), of this Zoning Ordinance, except as provided below.

1. Trees shall be distributed evenly throughout the parking area. In parking areas, islands shall be located every eight spaces.

4.20 Loading Standards

Off-street loading shall be required as in Article 6.33, Loading Standards (LS), of this Zoning Ordinance, except as provided below.

1. Buildings with more than 5,000 sq. ft. of commercial, retail, services or professional offices shall provide a minimum of one off-street loading space.
2. Buildings with more than 25,000 sq. ft. of commercial, retail, services or professional offices shall provide a minimum of one off-street loading space for each 25,000 gross sq. ft. or fraction thereof.
3. Off-street loading shall be limited to the area between the rear of the principal structure and the rear lot setback line, or between the side of the principal building and the side lot setback line.

4.21 Dumpster Standards

Dumpster and other trash refuge areas shall be required as in Article 6.9, Accessory Use/Structure Standards (AS), of this Zoning Ordinance.

4.22 Service Station Standards

Gasoline pump islands may be permitted only when they can be located between the rear of the principal building and the rear lot line. Gasoline pump islands shall be separated from abutting residential property by a minimum 50-foot wide landscaped buffer and an opaque fence or wall that is a minimum of six feet in height. See Article 6.30, Fence and Wall Standards (FW) of this Zoning Ordinance for standards.

4.23 Drive-Through Standards

The following drive-through windows standards shall apply:

1. Drive-through windows shall be screened from view from any dedicated rights-of-way and from adjacent residentially zoned property and/or any existing residential use.
2. No outdoor speakers shall be directed toward adjoining residentially zoned property and/ or any existing residential use.

4.24 Sign Standards

Master Signage Plans are required for all land development within the Overlay District, as described in Article 4.11. Signs shall be required as in Article 8, Sign Regulations (SS), of this Zoning Ordinance.

4.25 Exceptions and Exemptions from Overlay Districts

Applications for land disturbance permits, site development plan review, plat approval, sign permits, and building permits for properties within the designated Overlay District shall meet all of the requirements of the base zoning district in which the parcel is located and all provisions of the designated Overlay District unless such application meets one of the following exceptions:

- A. Alterations to existing single-family dwellings located within a subdivision of record zoned AG, ER, RS-180, RS-110, RG-75, PUD with a final plat approved prior to enactment of this section shall not be subject to the provisions of this Overlay District, provided that such alterations are limited to the following actions:
 1. Additions of heated floor area less than 50 percent of the existing floor area.
 2. Construction of an accessory structure or garage not to exceed 750 square feet in floor area.
 3. Improvements to outdoor space, such as swimming pools, courts for basketball, tennis or handball, gazebos, trellises, patios, decks, balconies, and similar non-occupied structures, or interior renovations.
- B. Construction of a single-family dwelling on an existing lot of record zoned AG, ER, RS-180, RS-110, RG-75, or PUD within a single-family residential subdivision with a final plat approved prior to enactment of this section shall not be subject to the provisions of this Overlay District Ordinance provided that such new construction shall be of similar floor area, materials and design as the single-family dwellings on adjacent lots in the same subdivision. Similar floor area for the purposes of this subsection means not more than 20 percent greater than the average heated floor area of the structures located on the abutting residential properties.
- C. Replacement, reconstruction, restoration, or repair of a single-family dwelling that is destroyed or damaged by fire or other natural occurrence shall not be subject to the provisions of this Overlay, provided that such dwelling is located on an existing lot of record zoned for a residential use within a single-family residential subdivision with a final plat approved prior to enactment of this section, and provided that such new construction shall be of similar floor area, materials and design as the single-family dwellings on adjacent lots in the same subdivision. Similar floor area for the purposes of this subsection means not more than 20 percent greater than the average heated floor area of the structures located on the abutting residential properties.
- D. Construction, rehabilitation, restoration and repair of a non-residential structure existing prior to the enactment of this section shall not be subject to those provisions of the Overlay until such time as the cumulative effect of all permits on a single

parcel result in an increase in the total floor area of the existing structure by 20 percent or 5,000 square feet, whichever is less.

4.26 Surety Standards

The applicant shall provide a surety, performance guarantee, or post performance bonds in a form acceptable to Clayton County in order to guarantee timely installation of required project improvements such as, but not limited to, streets, utilities, drainage, sidewalks, landscaping, amenity/recreation areas, and multi-use trails within the subject development that are consistent with the Preliminary Plat, Site Development Plan, and/ or Detailed Development Plan within the designated Overlay Design Guidelines. The surety, performance guarantee, or performance bonds shall be provided in accordance with the provision of Article 5, Surety, of the Subdivision Regulations with the following modifications.

1. If the development does not require subdivision, the Surety shall be provided at the time of the Construction Drawing request and before the Grading and Soil Erosion & Sedimentation Control Permits are released.

4.27 Appeals

Appeals of final decisions of the Zoning Administrator by aggrieved persons shall be in accordance with Article 13.22, Administrative Appeal Process (AA) of this Zoning Ordinance. Furthermore, appeals of this ordinance may be requested to be heard by the Zoning Board of Appeals in accordance with Article 13.21, Variance Process (VA).

Highway 42 Corridor Overlay District

4.28 Purpose

The purpose of the Highway 42 Corridor Overlay District is to implement the policies of the Board of Commissioners as adopted in the Clayton County Comprehensive Plan.

4.29 Intent

The intent of this Overlay District is:

1. To preserve, protect and enhance the existing character of the Highway 42 Corridor;
2. To encourage appropriate development and redevelopment of vacant and underutilized properties;
3. To set high standards for architecture, landscaping, signage and overall design of new developments within the Overlay District;
4. To establish consistent and rational design standards for development within the Overlay District in order to enhance the visual appeal of the Highway 42 Corridor;
5. To protect and enhance the value of properties in the Overlay District by ensuring that surrounding properties are developed harmoniously and consistently; and
6. To protect established residential areas from encroachment of uses which are either incompatible or unduly cause adverse impacts on such communities, and to protect the health, safety and welfare of the citizens of Clayton County.

4.30 Application of Overlay Districts

- A. Overlay Districts are supplemental to the underlying zoning district classifications established in the Clayton County Zoning Ordinance that governs all properties within Clayton County. Within areas mapped as Overlay Districts in this Article, these Overlay District regulations shall be overlaid upon, and shall be imposed in addition to, stated underlying zoning regulations which shall still apply except where inconsistent with the regulations of the Overlay District.
- B. The standards and requirements of the Overlay District shall govern in any case where standards and requirements of the Overlay District conflict with those of the base zoning district or other provisions of the Zoning Ordinance, including but not limited to the Subdivision Regulations.
- C. Any parcel of land that is wholly or partly within the boundary shall be included in the applicable Overlay District.
- D. The provisions of each designated Overlay District shall apply to all applications for Zoning Amendments, Conditional Use Permits, Planned Unit Developments, Site Development Plans, Construction Plans, Preliminary Plats, Final Plats, and Building Permits for all property and rights-of-way within the boundaries of the Overlay District.
- E. The same uses are permitted in the Overlay District as in the underlying zoning district and any use that is prohibited or subject to conditional use approval in the underlying zoning district is similarly prohibited or subject to conditional use approval in the Overlay, unless otherwise specified herein.
- F. All State and County road and utility projects shall be exempt from all requirements of the Overlay District.

4.31 Overlay Districts' Boundary Maps

- A. **Boundary Map:** The boundaries of the Overlay are shown on the Official Zoning Map, whose boundary and maps are hereby incorporated in Article 5, Zoning Map, of this ordinance and made part of this Overlay District. Copies of the map are available for inspection during normal business hours in the Department of Community Development.
- B. **Map Amendment:** No change in the boundary of the Overlay District shall be authorized, except by the Board of Commissioners pursuant to procedures in Article 13.3, Zoning Amendment (ZA), of the Zoning Ordinance.

4.32 Procedures

- A. **Procedures for Zoning Amendment Process.** Zoning Amendment application procedures for property located within the Overlay District shall be as provided in Article 13.3, Zoning Amendment (ZA), of the Zoning Ordinance with the following modifications.
 - 1. **Multi-Modal Access Plan.** An access plan shall be submitted showing connections from the system of streets, alleys, sidewalks and multi-use paths shown in the conceptual transportation plan to the entrances of all occupied buildings within the subject property. Convenient pedestrian ways shall be shown from sidewalks along streets to each building entrance, including designated pedestrian access routes across parking lots and between adjacent buildings within the same development. Where an existing or planned public transportation station or stop is within 1,000 feet (straight line distance measured from the entrance of the station or stop) from any boundary of the subject property, the access plan shall show how pedestrians may travel safely and conveniently from

such station or stop to the entrance of buildings on the subject property. Where an existing or planned multi-use path is located within 1,320 feet (straight line distance) from any boundary of the subject property, the access plan shall show how safe, continuous and convenient bicycle and pedestrian access may be provided to the subject property.

2. **Shared Parking Analysis.** A shared parking analysis for use of shared parking shall be submitted, if applicable. Shared parking shall meet the requirements of the Overlay design standards listed in Article 4.18 of this Ordinance.
- B. **Procedures for Planned Unit Development.** Planned Unit Development application procedures for property located within the Overlay District shall be as provided in Article 7, Planned Unit Development (PUD), of the Zoning Ordinance with the following modifications.
1. **Multi-Modal Access Plan.** An access plan shall be submitted showing connections from the system of streets, alleys, sidewalks and multi-use paths shown in the conceptual transportation plan to the entrances of all occupied buildings within the subject property. Convenient pedestrian ways shall be shown from sidewalks along streets to each building entrance, including designated pedestrian access routes across parking lots and between adjacent buildings within the same development. Where an existing or planned public transportation station or stop is within 1,000 feet (straight line distance measured from the entrance of the station or stop) from any boundary of the subject property, the access plan shall show how pedestrians may travel safely and conveniently from such station or stop to the entrance of buildings on the subject property. Where an existing or planned multi-use path is located within 1,320 feet (straight line distance) from any boundary of the subject property, the access plan shall show how safe, continuous and convenient bicycle and pedestrian access may be provided to the subject property.
 2. **Shared Parking Analysis.** A shared parking analysis for use of shared parking shall be submitted, if applicable. Shared parking shall meet the requirements of the Overlay design standards listed in Article 4.18 of this Ordinance.
 3. **Traffic Impact Study.** A traffic impact study shall be submitted at the time for submittal of the Detailed Development Plan for residential developments with more than 120 dwelling units and for any non-residential developments deemed likely by the Department of Transportation and Development to generate 100 or more p.m. peak hour trips. The traffic impact study shall follow procedures established by the most recent edition of the ITE Transportation Impact Analysis for Site Development
- C. **Procedures for Review and Approval of Land Development Requiring Subdivision.** Land development within the Overlay District that requires subdivision shall be as provided in the Subdivision Ordinance of Clayton County, with the following modifications.
1. **Multi-Modal Access Plan.** An access plan shall be submitted showing connections from the system of streets, alleys, sidewalks and multi-use paths shown in the conceptual transportation plan to the entrances of all occupied buildings within the subject property. Convenient pedestrian ways shall be shown from sidewalks along streets to each building entrance, including designated pedestrian access routes across parking lots and between adjacent buildings within the same development. Where an existing or planned public transportation station or stop is within 1,000 feet (straight line distance measured from the entrance of the station or stop) from any boundary of the subject property, the access plan shall show how pedestrians may travel safely and conveniently from

such station or stop to the entrance of buildings on the subject property. Where an existing or planned multi-use path is located within 1,320 feet (straight line distance) from any boundary of the subject property, the access plan shall show how safe, continuous and convenient bicycle and pedestrian access may be provided to the subject property.

2. **Traffic Impact Study.** A traffic impact study shall be submitted for residential developments with more than 120 dwelling units and for any non-residential developments deemed likely by the Department of Transportation and Development to generate 100 or more p.m. peak hour trips. The traffic impact study shall follow procedures established by the most recent edition of the ITE Transportation Impact Analysis for Site Development.
 3. **Shared Parking Analysis.** A shared parking analysis for use of shared parking shall be submitted, if applicable. Shared parking shall meet the requirements of the Overlay design standards listed in Article 4.18 of this Ordinance.
 4. **Signage Master Plan.** For all multi-tenant or multi-owner developments other than single-family residential subdivisions, a signage master plan shall be submitted at the time of review of the preliminary plat. The signage master plan shall contain the following information on a copy of the preliminary plat:
 - a. Provide a computation for each proposed sign and/or existing sign to remain, except for window signs and temporary signs, indicate the proposed number of signs and the total sign area of such signs, the proposed location, type, height, and sign area of each sign.
 - b. Provide a computation of the maximum permitted number of signs, maximum permitted total sign area, and maximum permitted area for individual signs permitted under Article 8, Sign Standards (SS), of this Ordinance.
- D. **Procedures for Review and Approval of Land Development not requiring a Subdivision.** Land development within the Overlay District that does not require subdivision shall be as provided in Article 11, Site Development Plans, with the following modifications. However, single-family lots of record are exempt from these requirements, pursuant to Article 4.36.
1. **Multi-Modal Access Plan.** An access plan shall be submitted showing connections from the system of streets, alleys, sidewalks and multi-use paths shown in the conceptual transportation plan to the entrances of all occupied buildings within the subject property. Convenient pedestrian ways shall be shown from sidewalks along streets to each building entrance, including designated pedestrian access routes across parking lots and between adjacent buildings within the same development. Where an existing or planned public transportation station or stop is within 1,000 feet (straight line distance measured from the entrance of the station or stop) from any boundary of the subject property, the access plan shall show how pedestrians may travel safely and conveniently from such station or stop to the entrance of buildings on the subject property. Where an existing or planned multi-use path is located within 1,320 feet (straight line distance) from any boundary of the subject property, the access plan shall show how safe, continuous and convenient bicycle and pedestrian access may be provided to the subject property.
 2. **Traffic Impact Study.** A traffic impact study shall be submitted for residential developments with more than 120 dwelling units and for any non-residential developments deemed likely by the Department of Transportation and Development to generate 100 or more p.m. peak hour trips. The traffic

impact study shall follow procedures established by the most recent edition of the ITE Transportation Impact Analysis for Site Development.

3. **Shared Parking Analysis.** A shared parking analysis for use of shared parking shall be submitted, if applicable. Shared parking shall meet the requirements of the Overlay design standards listed in Article 4.18 of this Ordinance.
4. **Signage Master Plan.** For all multi-tenant or multi-owner developments other than single-family residential subdivisions, a signage master plan shall be submitted at the time of review of the preliminary plat. The signage master plan shall contain the following information on a copy of the preliminary plat:
 - a. Provide a computation for each proposed sign and/ or existing sign to remain, except for window signs and temporary signs, indicate the proposed number of signs and the total sign area of such signs, the proposed location, type, height, and sign area of each sign.
 - b. Provide a computation of the maximum permitted number of signs, maximum permitted total sign area, and maximum permitted area for individual signs permitted under Article 8, Sign Standards (SS), of this Ordinance.

4.33 Prohibited Uses

The following uses shall be prohibited within the Highway 42 Corridor Overlay District:

1. Hotels and motels;
2. Adult entertainment, sexually oriented businesses and massage parlors;
3. Night club, dance club, tavern and similar private clubs.

4.34 Non-residential Land Uses

- A. **Architectural Standards.** Architectural design of all buildings and structures, excluding those utilized for residential land uses, shall adhere to the following standards:
 1. A minimum of 40 percent of each facade of any primary structure shall be constructed of brick, granite, stone, marble, terrazzo, architecturally treated reinforced concrete slabs, either fluted or with exposed aggregate, insulated window wall panels or stainless steel, porcelain-treated steel, anodized or other permanently finished aluminum.
 2. No more than 50 percent of each façade of any primary structure shall be constructed of metal panels with a baked-on enamel or acrylic finish (which must be expected to retain its appearance without substantial maintenance for a period of ten years), stucco, dryvit, concrete block with either sculptured treatment or stack bond with sculptured treatment, or split-faced decorative block.
 3. Walls visible from roadways or parking areas shall incorporate changes in building material, varying wall offsets and/or other architectural features every 100 linear feet.
 4. Building materials, architectural features and colors of exterior finishes of accessory structures shall be consistent with the principal structure.
 5. All roof-top equipment shall be screened from public view by parapets, dormers or other screens. The average height of parapets shall not exceed 15 percent of the height of the supporting wall, and shall not at any point exceed a height equal to 30 percent of the supporting wall.

6. Sloped roofs shall feature a roof plane change, gable, or dormer for every 100 linear feet.
 7. The roof pitch for sloped roofs shall be a minimum of 4:12 over the primary structure.
 8. Chain link fencing shall not be visible from any public street.
 9. Burglar bars, steel gates, metal awnings and steel roll-down curtains are prohibited on the exterior and interior of the structure, except on the structure's rear.
 10. Vending machines, paper stands, and other similar devices must be located within a building.
 11. Outdoor storage of propane tanks shall be permitted. Propane tank storage shall be screened from view from any public right-of-way.
- B. **Sign standards.** The sign standards established within Article 8, Sign Standards (SS), of the Zoning Ordinance shall be applied to all non-residential properties within the Highway 42 Corridor Overlay District, along with the following additional requirements:
1. Ground signs shall not exceed 8 feet in height.
 2. Ground signs shall be monument-based. Pole signs are prohibited.
 3. Signs shall reflect and complement the building materials, colors, and other design details of the principal structure on the lot upon which the sign is installed.
- C. **Landscaping standards.** The landscaping standards established in Article 6.34, Landscaping Standards (LA), shall apply to all non-residential properties within the Highway 42 Corridor Overlay District, along with the following additional requirements:
1. A landscaped strip a minimum of 10 feet in width shall be provided along all side and rear property lines.
 2. A landscaped strip a minimum of 15 feet in width shall be required along the front property line.
 3. Landscaped strips along public rights-of-way shall be continuous except at points of ingress or egress onto the property.
 4. Landscaped strips may consist of ground cover, shrubs, trees, and hardscape elements such as planters and benches, or any combination thereof. Areas of exposed earth shall not be allowed.
 5. All landscaped strips shall be maintained by the property owner. Any tree, shrub or ground cover which dies shall be replaced within the earliest planting season.
- D. **Parking Standards.** Off-street parking shall be required as in Article 6.32, Parking Standards (PK), of the Zoning Ordinance, except as provided below:
1. No more than 50 percent of the required number of parking spaces shall be located in the front yard.
 2. Where a parking lot is adjacent to a street or public right-of-way, the parking lot shall be screened from the right-of-way by a minimum of a 3-foot high and 3-foot wide, dense evergreen hedge or by a brick, stone or textured concrete masonry unit wall not less than 3 feet in height.
 3. The Zoning Administrator may approve a reduction of up to 25 percent in the number of parking spaces required for a specific use where inter-parcel access is provided and a shared parking analysis, which is approved by the Zoning Administrator, demonstrates that adequate parking will be provided. The process for determining the minimum parking requirements for a mixed use development or for contiguous properties containing multiple uses is:

- a. Determine the minimum number of parking spaces required for each use category from Article 6.32, Parking Standards (PK) of the Zoning Ordinance.
- b. Multiply each parking requirement by the corresponding percentage for each of the time periods shown on the table below.
- c. Total the number of parking spaces for each of the time periods (add together the numbers in each column).
- d. The largest column total is the minimum shared parking requirement for the development or collectively for the contiguous properties.
- e. In no case shall parking spaces that are farther than 1,000 feet from a building entrance be allowed to satisfy off-street parking requirements for a use or be counted towards shared parking requirements.

Shared parking space requirements

Use	WEEKDAYS		WEEKENDS	
	Daytime 6 a.m.--5 p.m.	Evening 5 p.m.--1 a.m.	Daytime 6 a.m.--5 p.m.	Evening 5 p.m.--1 a.m.
Residential	80%	100%	80%	100%
Office	100%	10%	20%	5%
Retail	95%	85%	100%	70%
Restaurant	75%	100%	60%	100%
Entertainment	50%	85%	70%	100%
Church	50%	50%	100%	60%

- E. **Loading Standards.** Off-street loading shall be required as in Article 6.33, Loading Standards (LD), of the Zoning Ordinance, except as provided below:
 1. Off-street loading shall be limited to the area between the rear of the principal structure and the rear lot setback line, or between the side of the principal building and the side lot setback line.
 2. Where a loading area is visible from a street or public right-of-way, the loading area shall be screened from the right-of-way by a minimum 5-foot high and 5-foot wide, dense evergreen hedge or by a brick, stone or textured concrete masonry unit wall not less than 5 feet in height.
- G. **Outdoor Lighting Standards.** All outdoor lighting shall adhere to the standards set forth within Article 6.36, Outdoor Lighting Standards (OL).

4.35 Residential Land Uses

- A. **Architectural Standards for one-family and two-family dwellings.** Architectural design of all buildings and structures utilized for one-family and two-family residential uses shall adhere to the following standards:
 1. Building materials for all exterior facades of residential buildings shall consist of brick, stone, stucco, wood siding, fiber cement siding or similar material approved by the Zoning Administrator.

2. Vinyl products shall only be used for soffits, eaves, and fascia of residential structures.
 3. Building materials, architectural features and colors of exterior finishes of accessory structures shall be consistent with the principal structure.
 4. Sloped roofs shall feature a roof plane change, gable, or dormer for every 100 linear feet.
 5. The roof pitch for sloped roofs shall be a minimum of 4:12 over the primary structure.
- B. Architectural Standards for multiple-family dwellings.** Architectural design of all buildings and structures utilized for multiple family residential uses shall adhere to the following standards:
1. **Roof Line Variation.** At least two of the following types of roof line variations shall be required in a group of attached units. The maximum roof line length without a variation with at least one of the following design elements shall not exceed 30 feet:
 - a. Vertical offset in ridge line (min. 18 in.);
 - b. Gables;
 - c. Exaggerated cornices or bracketed eaves (eaves must extend at least 18 inches from the wall);
 - d. Dormers; or
 - e. Other architectural features that achieves the intent of this paragraph.
 2. **Façade Variation:** A grouping of attached units shall include at least three of the following design elements along any facade facing public streets or private drives:
 - a. Covered entries;
 - b. Cupolas;
 - c. Pillars or posts;
 - d. Bay or bow window (minimum 12 - inch projection);
 - e. Off-sets in building face (minimum 16-inches); or
 - f. Some other architectural feature that achieves the intent of this paragraph.
 3. **Windows:** Any wall facing a public right-of-way shall incorporate window and/or door openings to limit the appearance of blank walls. Such openings shall constitute at least 15 percent of the wall area.
- C. Sign standards.** The sign standards established within Article 8, Sign Standards (SS), of the Zoning Ordinance shall be applied to all residential properties within the Highway 42 Corridor Overlay District, along with the following additional requirements:
1. Subdivision entrance signs shall be constructed of brick, stone and/or metal.
- D. Landscaping standards.** The landscaping standards established in Article 6.34, Landscaping Standards (LA), shall apply to all residential properties within the Highway 42 Corridor Overlay District, along with the following additional requirements:
1. Where a subdivision, condominium, cluster housing or multiple family residential development borders a public right-of-way, a landscaped greenbelt buffer a minimum of 30 feet in width shall be provided along the right-of-way to provide screening. Screening may be provided utilizing a decorative wall and/or landscaped berm. This greenbelt shall be provided in addition to yard setbacks required by Article 3 of the Zoning Ordinance.
 2. A landscaped strip a minimum of 25 feet in width shall be required along all boundaries of subdivisions, condominium, cluster housing or multiple family residential developments which do not border a public right-of-way. This

landscape strip shall be provided in addition to yard setbacks required by the Zoning Ordinance.

3. Landscaped strips and greenbelts may consist of ground cover, shrubs, trees, and/or decorative fencing or walls. Areas of exposed earth shall not be allowed.
 4. All landscaped strips and greenbelts shall be maintained by the property owner. Any tree, shrub or ground cover which dies shall be replaced within the earliest planting season.
- F. **Parking Standards.** Off-street parking shall be required as in Article 6.32, Parking Standards (PK), of the Zoning Ordinance.
- G. **Outdoor Lighting Standards.** All outdoor lighting shall adhere to the standards set forth within Article 6.36, Outdoor Lighting Standards (OL).

4.36 Exceptions and Exemptions from Overlay Districts

Applications for land disturbance permits, site development plan review, plat approval, sign permits, and building permits for properties within the designated Overlay District shall meet all of the requirements of the base zoning district in which the parcel is located and all provisions of the designated Overlay District unless such application meets one of the following exceptions:

- A. Alterations to existing single-family dwellings located within a subdivision of record zoned AG, ER, RS-180, RS-110, RG-75, or PUD with a final plat approved prior to enactment of this section shall not be subject to the provisions of this Overlay District, provided that such alterations are limited to the following actions:
 1. Additions of heated floor area less than 50 percent of the existing floor area.
 2. Construction of an accessory structure or garage not to exceed 750 square feet in floor area.
 3. Improvements to outdoor space, such as swimming pools, courts for basketball, tennis or handball, gazebos, trellises, patios, decks, balconies, and similar non-occupied structures, or interior renovations.
- B. Construction of a single-family dwelling on an existing lot of record zoned AG, ER, RS-180, RS-110, RG-75, or PUD within a single-family residential subdivision with a final plat approved prior to enactment of this section shall not be subject to the provisions of this Overlay District Ordinance provided that such new construction shall be of similar floor area, materials and design as the single-family dwellings on adjacent lots in the same subdivision. Similar floor area for the purposes of this subsection means not more than 20 percent greater than the average heated floor area of the structures located on the abutting residential properties.
- C. Replacement, reconstruction, restoration, or repair of a single-family dwelling that is destroyed or damaged by fire or other natural occurrence shall not be subject to the provisions of this Overlay, provided that such dwelling is located on an existing lot of record zoned for a residential use within a single-family residential subdivision with a final plat approved prior to enactment of this section, and provided that such new construction shall be of similar floor area, materials and design as the single-family dwellings on adjacent lots in the same subdivision. Similar floor area for the purposes of this subsection means not more than 20 percent greater than the average heated floor area of the structures located on the abutting residential properties.
- D. Construction, rehabilitation, restoration and repair of a non-residential structure existing prior to the enactment of this section shall not be subject to those provisions of the Overlay until such time as the cumulative effect of all permits on a single parcel result in an increase in the total floor area of the existing structure by 20 percent or 5,000 square feet, whichever is less.

4.37 Surety Standards

The Zoning Administrator shall have the authority to require the applicant to establish a surety, performance guarantee, or post performance bonds in a form acceptable to Clayton County in order to guarantee timely installation of required project improvements such as, but not limited to, streets, utilities, drainage, sidewalks, landscaping, amenity/recreation areas, and multi-use trails within the subject development that are consistent with the Preliminary Plat, Site Development Plan, and/ or Detailed Development Plan within the designated Overlay Design Guidelines. The surety, performance guarantee, or performance bonds shall be provided in accordance with the provision of Article 5, Surety, of the Subdivision Regulations with the following modifications.

1. If the development does not require subdivision, the Surety shall be provided at the time of the Construction Drawing request and before the Grading and Soil Erosion & Sedimentation Control Permits are released.

4.38 Appeals

Appeals of final decisions of the Zoning Administrator by aggrieved persons shall be in accordance with Article 13.22, Administrative Appeal Process (AA) of this Zoning Ordinance. Furthermore, appeals of this ordinance may be requested to be heard by the Zoning Board of Appeals in accordance with Article 13.21, Variance Process (VA).

Panhandle Area Overlay District

4.39 Purpose

The purpose of the Panhandle Area Overlay District is to implement the policies of the Board of Commissioners as adopted in the Clayton County Comprehensive Plan.

4.40 Intent

The intent of the Panhandle Overlay District is:

1. To preserve, protect and enhance the existing character of the Panhandle Area;
2. To enhance the quality and compatibility of development in the Overlay District by encouraging uniformity of forms, scale, massing, size and materials such that new structures will conform to existing community features and standards;
3. To promote the economic, cultural, and general welfare of the public by fostering sustainable growth within the rural areas of Clayton County;
4. To increase the level of community understanding and expectations for quality in the built environment while simultaneously promoting desirable rural-living conditions;
5. To monitor and prevent functional and visual disunity in design, unaesthetic and environmentally destructive uses, and property depreciation or blight.

4.41 Application of Overlay Districts

- A. Overlay Districts are supplemental to the underlying zoning district classifications established in the Clayton County Zoning Ordinance that governs all properties within Clayton County. Within areas mapped as Overlay Districts in this Article, these Overlay District regulations shall be overlaid upon, and shall be imposed in

addition to, stated underlying zoning regulations which shall still apply except where inconsistent with the regulations of the Overlay District.

- B. The standards and requirements of the Overlay District shall govern in any case where standards and requirements of the Overlay District conflict with those of the base zoning district or other provisions of the Zoning Ordinance, including but not limited to the Subdivision Regulations.
- C. Any parcel of land that is wholly or partly within the boundary shall be included in the applicable Overlay District.
- D. The provisions of each designated Overlay District shall apply to all applications for Zoning Amendments, Conditional Use Permits, Planned Unit Developments, Site Development Plans, Construction Plans, Preliminary Plats, Final Plats, and Building Permits for all property and rights-of-way within the boundaries of the Overlay District.
- E. The same uses are permitted in the Overlay District as in the underlying zoning district and any use that is prohibited or subject to conditional use approval in the underlying zoning district is similarly prohibited or subject to conditional use approval in the Overlay, unless otherwise specified herein.
- F. All State and County road and utility projects shall be exempt from all requirements of the Overlay District.

4.42 Overlay Districts' Boundary Maps

- A. **Boundary Map:** The boundaries of the Overlay are shown on the Official Zoning Map, whose boundary and maps are hereby incorporated in Article 5, Zoning Map, of this ordinance and made part of this Overlay District. Copies of the map are available for inspection during normal business hours in the Department of Community Development.
- B. **Map Amendment:** No change in the boundary of the Overlay District shall be authorized, except by the Board of Commissioners pursuant to procedures in Article 13.3, Zoning Amendment (ZA), of the Zoning Ordinance.

4.43 Procedures

- A. **Procedures for Zoning Amendment Process.** Zoning Amendment application procedures for property located within the Overlay District shall be as provided in Article 13.3, Zoning Amendment (ZA), of the Zoning Ordinance with the following modifications.
 - 1. **Multi-Modal Access Plan.** An access plan shall be submitted showing connections from the system of streets, alleys, sidewalks and multi-use paths shown in the conceptual transportation plan to the entrances of all occupied buildings within the subject property. Convenient pedestrian ways shall be shown from sidewalks along streets to each building entrance, including designated pedestrian access routes across parking lots and between adjacent buildings within the same development. Where an existing or planned public transportation station or stop is within 1,000 feet (straight line distance measured from the entrance of the station or stop) from any boundary of the subject property, the access plan shall show how pedestrians may travel safely and conveniently from such station or stop to the entrance of buildings on the subject property. Where an existing or planned multi-use path is located within 1,320 feet (straight line distance) from any boundary of the subject property, the access plan shall show how safe, continuous and convenient bicycle and pedestrian access may be provided to the subject property.

2. **Shared Parking Analysis.** A shared parking analysis for use of shared parking shall be submitted, if applicable. Shared parking shall meet the requirements of the Overlay design standards listed in Article 4.18 of this Ordinance.
 3. **Public Notice.** Written notice of the petition shall be distributed to all property owners within two ownerships or five hundred (500) feet of the boundaries of the subject property, whichever is greater. Furthermore, at the time of submittal, the Zoning Administrator may provide the petitioner with listing of additional mailing addresses of property owners and/or organizations to adequately notify the community.
- B. **Procedures for Planned Unit Development.** Planned Unit Development application procedures for property located within the Overlay District shall be as provided in Article 7, Planned Unit Development (PUD), of the Zoning Ordinance with the following modifications.
1. **Multi-Modal Access Plan.** An access plan shall be submitted showing connections from the system of streets, alleys, sidewalks and multi-use paths shown in the conceptual transportation plan to the entrances of all occupied buildings within the subject property. Convenient pedestrian ways shall be shown from sidewalks along streets to each building entrance, including designated pedestrian access routes across parking lots and between adjacent buildings within the same development. Where an existing or planned public transportation station or stop is within 1,000 feet (straight line distance measured from the entrance of the station or stop) from any boundary of the subject property, the access plan shall show how pedestrians may travel safely and conveniently from such station or stop to the entrance of buildings on the subject property. Where an existing or planned multi-use path is located within 1,320 feet (straight line distance) from any boundary of the subject property, the access plan shall show how safe, continuous and convenient bicycle and pedestrian access may be provided to the subject property.
 2. **Shared Parking Analysis.** A shared parking analysis for use of shared parking shall be submitted, if applicable. Shared parking shall meet the requirements of the Overlay design standards listed in Article 4.18 of this Ordinance.
 3. **Traffic Impact Study.** A traffic impact study shall be submitted at the time for submittal of the Detailed Development Plan for residential developments with more than 120 dwelling units and for any non-residential developments deemed likely by the Department of Transportation and Development to generate 100 or more p.m. peak hour trips. The traffic impact study shall follow procedures established by the most recent edition of the ITE Transportation Impact Analysis for Site Development
- C. **Procedures for Review and Approval of Land Development Requiring Subdivision.** Land development within the Overlay District that requires subdivision shall be as provided in the Subdivision Ordinance of Clayton County, with the following modifications.
1. **Multi-Modal Access Plan.** An access plan shall be submitted showing connections from the system of streets, alleys, sidewalks and multi-use paths shown in the conceptual transportation plan to the entrances of all occupied buildings within the subject property. Convenient pedestrian ways shall be shown from sidewalks along streets to each building entrance, including designated pedestrian access routes across parking lots and between adjacent buildings within the same development. Where an existing or planned public transportation station or stop is within 1,000 feet (straight line distance measured from the entrance of the station or stop) from any boundary of the subject property, the

access plan shall show how pedestrians may travel safely and conveniently from such station or stop to the entrance of buildings on the subject property. Where an existing or planned multi-use path is located within 1,320 feet (straight line distance) from any boundary of the subject property, the access plan shall show how safe, continuous and convenient bicycle and pedestrian access may be provided to the subject property.

2. **Traffic Impact Study.** A traffic impact study shall be submitted for residential developments with more than 120 dwelling units and for any non-residential developments deemed likely by the Department of Transportation and Development to generate 100 or more p.m. peak hour trips. The traffic impact study shall follow procedures established by the most recent edition of the ITE Transportation Impact Analysis for Site Development.
 3. **Shared Parking Analysis.** A shared parking analysis for use of shared parking shall be submitted, if applicable. Shared parking shall meet the requirements of the Overlay design standards listed in Article 4.18 of this Ordinance.
 4. **Signage Master Plan.** For all multi-tenant or multi-owner developments other than single-family residential subdivisions, a signage master plan shall be submitted at the time of review of the preliminary plat. The signage master plan shall contain the following information on a copy of the preliminary plat:
 - a. Provide a computation for each proposed sign and/or existing sign to remain, except for window signs and temporary signs, indicate the proposed number of signs and the total sign area of such signs, the proposed location, type, height, and sign area of each sign.
 - b. Provide a computation of the maximum permitted number of signs, maximum permitted total sign area, and maximum permitted area for individual signs permitted under Article 8, Sign Standards (SS), of this Ordinance.
- D. **Procedures for Review and Approval of Land Development not requiring a Subdivision.** Land development within the Overlay District that does not require subdivision shall be as provided in Article 11, Site Development Plans, with the following modifications. However, single-family lots of record are exempt from these requirements, pursuant to Article 4.46.
1. **Multi-Modal Access Plan.** An access plan shall be submitted showing connections from the system of streets, alleys, sidewalks and multi-use paths shown in the conceptual transportation plan to the entrances of all occupied buildings within the subject property. Convenient pedestrian ways shall be shown from sidewalks along streets to each building entrance, including designated pedestrian access routes across parking lots and between adjacent buildings within the same development. Where an existing or planned public transportation station or stop is within 1,000 feet (straight line distance measured from the entrance of the station or stop) from any boundary of the subject property, the access plan shall show how pedestrians may travel safely and conveniently from such station or stop to the entrance of buildings on the subject property. Where an existing or planned multi-use path is located within 1,320 feet (straight line distance) from any boundary of the subject property, the access plan shall show how safe, continuous and convenient bicycle and pedestrian access may be provided to the subject property.
 2. **Traffic Impact Study.** A traffic impact study shall be submitted for residential developments with more than 120 dwelling units and for any non-residential developments deemed likely by the Department of Transportation and Development to generate 100 or more p.m. peak hour trips. The traffic impact

study shall follow procedures established by the most recent edition of the ITE Transportation Impact Analysis for Site Development.

3. **Shared Parking Analysis.** A shared parking analysis for use of shared parking shall be submitted, if applicable. Shared parking shall meet the requirements of the Overlay design standards listed in Article 4.18 of this Ordinance.
4. **Signage Master Plan.** For all multi-tenant or multi-owner developments other than single-family residential subdivisions, a signage master plan shall be submitted at the time of review of the preliminary plat. The signage master plan shall contain the following information on a copy of the preliminary plat:
 - a. Provide a computation for each proposed sign and/or existing sign to remain, except for window signs and temporary signs, indicate the proposed number of signs and the total sign area of such signs, the proposed location, type, height, and sign area of each sign.
 - b. Provide a computation of the maximum permitted number of signs, maximum permitted total sign area, and maximum permitted area for individual signs permitted under Article 8, Sign Standards (SS), of this Ordinance.

4.44 Residential Land Uses

- A. **Prohibited uses.** The following residential land uses shall be prohibited within the Panhandle Area Overlay District:
 1. Residential townhomes, except within a Planned Unit Development (PUD)
 2. Residential condominiums
 3. Multi-family residential apartments
- B. **Maximum Density.** The maximum density of any major subdivision shall not exceed 1.25 dwelling units per acre. The maximum allowable number of lots shall be calculated as such:

Gross site area (acres) x 1.25 Dwelling units per acre = Maximum number of lots
Example: 20 acres x 1.25 Dwelling units per acre = 25 lots, maximum

- C. **Architecture and Appearance Standards.** The Architecture and Appearance Standards (AA) in Article 6.7 of the Zoning Ordinance shall apply to the Panhandle Area Overlay District with the addition of the following standards:
 1. Building materials for all exterior facades shall consist of brick, stone, stucco, wood siding, fiber cement siding, and/or similar material approved by the Administrator.
 2. A minimum of 40 percent of each facade of any primary structure shall be constructed of brick, stone or stucco.
 3. Vinyl products shall only be used for soffits, eaves and fascia of residential structures.
 4. All buildings shall have pitched roofs. The roof pitch shall be a minimum of 6:12 over the primary structure.
 5. Roofing materials shall consist of architectural-style shingles, cedar shake or slate.
 6. Building materials, architectural features and colors of exterior finishes of accessory structures shall be consistent with the primary structure.
 7. Each dwelling unit shall utilize at least four of the following architectural design features:
 - a. Dormers;

- b. Bay or bow windows;
 - c. Garage setback at least 20 feet behind the facade of the principal structure;
 - d. Side- or rear-entry garage;
 - e. Covered porch entry (covered front porch);
 - f. Transoms and sidelights;
 - g. Off-sets on building face or roof (minimum two feet);
 - h. A roof with a pitch greater than 8:12 and a minimum overhang of 12 inches on all sides;
 - i. Columns, pillars, or posts on façade;
 - j. Shutters and other window decorations;
 - k. Arched or Palladian windows;
 - l. Hip and gable roof lines.
- 8. All single-family detached dwellings shall have a minimum two-car attached or detached garage, which is enclosed on at least three sides, and be architecturally consistent with the primary structure.
 - 9. At least 40 percent of houses within all major subdivisions in the Panhandle Area Overlay District shall have side- or rear-entry garages.
 - 10. All single family detached dwellings shall have a front porch that is a minimum of six feet deep and 48 square feet in area.
 - 11. Chain-link fencing shall not be visible from any right-of-way.
- C. **Sign Standards.** The sign standards established within Article 8, Sign Standards (SS), of the Zoning Ordinance shall be applied to all properties within the Panhandle Area Overlay District, along with the following additional requirements:
- 1. Subdivision entrance signs shall be constructed of brick, stone and/or metal.
 - 2. Each sign face for subdivision entrance signs shall not exceed 24 square feet in area.
- D. **Landscaping Standards.** The landscaping standards established in Article 6.34, Landscaping Standards (LA) and the Tree Protection Ordinance shall apply to all residential properties within the Panhandle Area Overlay District, along with the following additional requirements:
- 1. All areas surrounding subdivision entrance signs must be landscaped.
 - 2. Where a subdivision borders a public right-of-way, a landscaped greenbelt buffer of a minimum of 50 feet in width shall be provided along the right-of-way to provide screening. Screening may be provided utilizing a decorative fence and/or landscaped berm. This greenbelt shall be provided in addition to yard setback required by the Zoning Ordinance.
 - 3. A landscaped strip of a minimum of 25 feet in width shall be required along all boundaries of subdivisions which do not border a public-right-of-way. This landscaped strip shall be provided in addition to yard setbacks required by the Zoning Ordinance.
 - 4. Landscaped strips and greenbelts may consist of ground cover, shrubs, trees, and/or decorative fencing or walls. Areas of exposed earth shall not be allowed.
 - 5. All landscape materials required by this shall be maintained by the property owner or property owner's association. Such maintenance shall keep landscape materials healthy, neat and orderly in appearance and free of litter and debris. Landscape materials that die or that, in the opinion of the County Arborist or his/her designee, are diseased shall be replaced by the property owner or property owner's association within the earliest planting season.

4.45 Non-residential Land Uses

- A. **Prohibited uses.** Non-residential land uses within the Panhandle Area Overlay District should be limited to uses which are intended to serve the surrounding neighborhoods and are suitable to the rural character of the area. The following non-residential land uses shall be prohibited within the Panhandle Area Overlay District:
1. Automobile engine, body repair, and undercoating shops;
 2. Automobile rental and leasing facilities;
 3. Automobile sales/brokers;
 4. Bus terminals;
 5. Hotels and motels;
 6. Indoor recreation, game rooms, bowling alleys, pool rooms, electronic gaming machines, fitness centers, gyms, etc.;
 7. Manufacturing businesses;
 8. Parking lots;
 9. RV, travel trailer, motor coach, campground;
 10. Restaurants with drive through facilities;
 11. Retail warehouses/wholesale;
 12. Mini-warehouses/storage for lease to the public;
 13. Sawmills;
 14. Truck and trailer sales;
 15. Wholesale business, warehouse, trucking terminal, and similar non-processing storage and distribution uses;
 16. All uses which are only permitted in the Heavy Industrial District (HI).
- B. **Architectural and appearance.** The Architecture and Appearance Standards for Commercial and Industrial Buildings and Structures (AC) in Article 6.8 of the Zoning Ordinance shall apply to the Panhandle Area Overlay District with the addition of the following standards:
1. Building materials for all exterior facades shall consist of brick, stone, stucco, wood siding, fiber cement siding, and/or similar material approved by the Zoning Administrator.
 2. A minimum of 40 percent of each facade of any primary structure shall be constructed of brick, stone or stucco.
 3. Vinyl products shall only be used for soffits, eaves and fascia of residential structures.
 4. All buildings shall have pitched roofs. The roof pitch shall be a minimum of 6:12 over the primary structure.
 5. Roofing materials shall consist of architectural-style shingles, cedar shake, slate, or metal standing seam.
 6. Building materials, architectural features and colors of exterior finishes of accessory structures shall be consistent with the primary structure.
 7. Building design shall reflect a residential character and shall utilize at least three of the following architectural design features:
 - a. Dormers.
 - b. Bay or bow windows.
 - c. Covered porch entry (covered front porch).
 - d. Transoms and sidelights.
 - e. Off-sets on building face or roof (minimum two feet).
 - f. Columns, pillars, or posts on facade.
 - g. Shutters and other window decorations.
 - h. Arched or Palladian windows.

- i. Hip and gable roof lines.
- 8. Chain-link fencing shall not be visible from any right-of-way.
- C. **Sign Standards.** The sign standards established within Article 8, Sign Standards (SS), of the Zoning Ordinance shall be applied to all non-residential properties within the Panhandle Area Overlay District, along with the following additional requirements:
 - 1. Ground signs shall not exceed a maximum height of six feet. No single sign face shall exceed 24 square feet in area.
 - 2. Ground signs shall be monument-based. Pole signs are prohibited.
 - 3. Entrance signs for planned commercial centers containing multiple lots shall not exceed a maximum height of six feet. Maximum area of each sign shall not exceed 60 square feet in area.
 - 4. Two entrance signs shall be permitted per planned commercial center containing multiple lots. Entrance signs shall be single-sided, unless only one entrance sign is erected, in which case it may be double-sided.
 - 5. Signs shall reflect and complement the building materials, colors, and other design details of the principal structure on the lot upon which the sign is installed.
 - 6. A maximum of four wall signs shall be permitted per lot. No one wall sign shall exceed 32 square feet in area. Total area of all wall signs shall not exceed ten percent of the front façade building area or 100 square feet.
- D. **Landscaping Standards.** The landscaping standards established in Article 6.34, Landscaping Standards (LA) and the Tree Protection Ordinance shall apply to all non-residential properties within the Panhandle Area Overlay District, along with the following additional requirements:
 - 1. A landscaped strip a minimum of 10 feet in width shall be provided along all side and rear property lines.
 - 2. A landscaped strip a minimum of 15 feet in width shall be required along the front property line.
 - 3. Landscaped strips along public rights-of-way shall be continuous except at points of ingress or egress onto the property.
 - 4. Landscaped strips may consist of ground cover, shrubs, trees, and hardscape elements such as planters and benches, or any combination thereof. Areas of exposed earth shall not be allowed.
 - 5. All landscaped strips shall be maintained by the property owner. Any tree, shrub or ground cover which dies shall be replaced within the earliest planting season.
- E. **Parking Standards.** Off-street parking shall be required as in Article 6.32, Parking Standards (PK), of the Zoning Ordinance, except as provided below:
 - 1. No more than 50 percent of the required number of parking spaces shall be located in the front yard.
 - 2. Where a parking lot is adjacent to a street or public right-of-way, the parking lot shall be screened from the right-of-way by a minimum 3-feet high and 3-feet wide, dense evergreen hedge or by a brick, stone or textured concrete masonry unit wall not less than 3 feet in height.
- F. **Loading Standards.** Off-street loading shall be required as in Article 6.33, Loading Standards (LD), of the Zoning Ordinance, except as provided below:
 - 1. Off-street loading shall be limited to the area between the rear of the principal structure and the rear lot setback line, or between the side of the principal building and the side lot setback line.
 - 2. Where a loading area is visible from a street or public right-of-way, the loading area shall be screened from the right-of-way by a minimum 5-feet high and 5-feet

wide, dense evergreen hedge or by a brick, stone or textured concrete masonry unit wall not less than 5 feet in height.

4.46 Exceptions and Exemptions from Overlay Districts

Applications for land disturbance permits, site development plan review, plat approval, sign permits, and building permits for properties within the designated Overlay District shall meet all of the requirements of the base zoning district in which the parcel is located and all provisions of the designated Overlay District unless such application meets one of the following exceptions:

- A. Alterations to existing single-family dwellings located within a subdivision of record zoned AG, ER, RS-180, RS-110, RG-75, PUD with a final plat approved prior to enactment of this section shall not be subject to the provisions of this Overlay District, provided that such alterations are limited to the following actions:
 - 1. Additions of heated floor area less than 50 percent of the existing floor area.
 - 2. Construction of an accessory structure or garage not to exceed 750 square feet in floor area.
 - 3. Improvements to outdoor space, such as swimming pools, courts for basketball, tennis or handball, gazebos, trellises, patios, decks, balconies, and similar non-occupied structures; or interior renovations.
- B. Construction of a single-family dwelling on an existing lot of record zoned AG, ER, RS-180, RS-110, RG-75, or PUD within a single-family residential subdivision with a final plat approved prior to enactment of this section shall not be subject to the provisions of this Overlay District Ordinance provided that such new construction shall be of similar floor area, materials and design as the single-family dwellings on adjacent lots in the same subdivision. Similar floor area for the purposes of this subsection means not more than 20 percent greater than the average heated floor area of the structures located on the abutting residential properties.
- C. Replacement, reconstruction, restoration, or repair of a single-family dwelling that is destroyed or damaged by fire or other natural occurrence shall not be subject to the provisions of this Overlay, provided that such dwelling is located on an existing lot of record zoned for a residential use within a single-family residential subdivision with a final plat approved prior to enactment of this section, and provided that such new construction shall be of similar floor area, materials and design as the single-family dwellings on adjacent lots in the same subdivision. Similar floor area for the purposes of this subsection means not more than 20 percent greater than the average heated floor area of the structures located on the abutting residential properties.
- D. Construction, rehabilitation, restoration and repair of a non-residential structure existing prior to the enactment of this section shall not be subject to those provisions of the Overlay until such time as the cumulative effect of all permits on a single parcel result in an increase in the total floor area of the existing structure by 20 percent or 5,000 square feet, whichever is less.

4.47 Surety Standards

The Zoning Administrator shall have the authority to require the applicant to establish a surety, performance guarantee, or post performance bonds in a form acceptable to Clayton County in order to guarantee timely installation of required project improvements such as, but not limited to, streets, utilities, drainage, sidewalks, landscaping, amenity/ recreation areas, and multi-use trails within the subject development that are consistent with the Preliminary Plat, Site Development Plan, and/ or Detailed Development Plan within the designated Overlay Design Guidelines. The

surety, performance guarantee, or performance bonds shall be provided in accordance with the provision of Article 5, Surety, of the Subdivision Regulations with the following modification:

1. If the development does not require subdivision, the Surety shall be provided at the time of the Construction Drawing request and before the Grading and Soil Erosion & Sedimentation Control Permits are released.

4.48 Appeals

Appeals of final decisions of the Zoning Administrator by aggrieved persons shall be in accordance with Article 13.22, Administrative Appeal Process (AA) of this Zoning Ordinance. Furthermore, appeals of this ordinance may be requested to be heard by the Zoning Board of Appeals in accordance with Article 13.21, Variance Process (VA).

Highway 54 Overlay District

4.49 Purpose

The purpose of the Highway 54 Overlay District is to implement the policies of the Board of Commissioners as adopted in the Clayton County Comprehensive Plan.

4.50 Intent

The intent of this Overlay District is:

1. To preserve, protect and enhance the existing character of the Highway 54 Corridor;
2. To encourage appropriate development and redevelopment of vacant and underutilized properties;
3. To set high standards for architecture, landscaping, signage and overall design of new developments within the Overlay District;
4. To establish consistent and rational design standards for development within the Overlay District in order to enhance the visual appeal of the Highway 54 Corridor;
5. To protect and enhance the value of properties in the Overlay District by ensuring that surrounding properties are developed harmoniously and consistently; and
6. To protect established residential areas from encroachment of uses which are either incompatible or unduly cause adverse impacts on such communities, and to protect the health, safety and welfare of the citizens of Clayton County.

4.51 Application of Overlay Districts

- A. Overlay Districts are supplemental to the underlying zoning district classifications established in the Clayton County Zoning Ordinance that governs all properties within Clayton County. Within areas mapped as Overlay Districts in this Article, these Overlay District regulations shall be overlaid upon, and shall be imposed in addition to, stated underlying zoning regulations which shall still apply except where inconsistent with the regulations of the Overlay District.
- B. The standards and requirements of the Overlay District shall govern in any case where standards and requirements of the Overlay District conflict with those of the

base zoning district or other provisions of the Zoning Ordinance, including but not limited to the Subdivision Regulations.

- C. Any parcel of land that is wholly or partly within the boundary shall be included in the applicable Overlay District.
- D. The provisions of each designated Overlay District shall apply to all applications for Zoning Amendments, Conditional Use Permits, Planned Unit Developments, Site Development Plans, Construction Plans, Preliminary Plats, Final Plats, and Building Permits for all property and rights-of-way within the boundaries of the Overlay District.
- E. The same uses are permitted in the Overlay District as in the underlying zoning district and any use that is prohibited or subject to conditional use approval in the underlying zoning district is similarly prohibited or subject to conditional use approval in the Overlay, unless otherwise specified herein.
- F. All State and County road and utility projects shall be exempt from all requirements of the Overlay District.

4.52 Overlay Districts' Boundary Maps

- A. **Boundary Map:** The boundaries of the Overlay are shown on the Official Zoning Map, whose boundary and maps are hereby incorporated in Article 5, Zoning Map, of this ordinance and made part of this Overlay District. Copies of the map are available for inspection during normal business hours in the Department of Community Development.
- B. **Map Amendment:** No change in the boundary of the Overlay District shall be authorized, except by the Board of Commissioners pursuant to procedures in Article 13.3, Zoning Amendment (ZA), of the Zoning Ordinance.

4.53 Procedures

- A. **Procedures for Zoning Amendment Process.** Zoning Amendment application procedures for property located within the Overlay District shall be as provided in Article 13.3, Zoning Amendment (ZA), of the Zoning Ordinance with the following modifications.
 - 1. **Multi-Modal Access Plan.** An access plan shall be submitted showing connections from the system of streets, alleys, sidewalks and multi-use paths shown in the conceptual transportation plan to the entrances of all occupied buildings within the subject property. Convenient pedestrian ways shall be shown from sidewalks along streets to each building entrance, including designated pedestrian access routes across parking lots and between adjacent buildings within the same development. Where an existing or planned public transportation station or stop is within 1,000 feet (straight line distance measured from the entrance of the station or stop) from any boundary of the subject property, the access plan shall show how pedestrians may travel safely and conveniently from such station or stop to the entrance of buildings on the subject property. Where an existing or planned multi-use path is located within 1,320 feet (straight line distance) from any boundary of the subject property, the access plan shall show how safe, continuous and convenient bicycle and pedestrian access may be provided to the subject property.
 - 2. **Shared Parking Analysis.** A shared parking analysis for use of shared parking shall be submitted, if applicable. Shared parking shall meet the requirements of the Overlay design standards listed in Article 4.18 of this Ordinance.

- B. Procedures for Planned Unit Development.** Planned Unit Development application procedures for property located within the Overlay District shall be as provided in Article 7, Planned Unit Development (PUD), of the Zoning Ordinance with the following modifications.
- 1. Multi-Modal Access Plan.** An access plan shall be submitted showing connections from the system of streets, alleys, sidewalks and multi-use paths shown in the conceptual transportation plan to the entrances of all occupied buildings within the subject property. Convenient pedestrian ways shall be shown from sidewalks along streets to each building entrance, including designated pedestrian access routes across parking lots and between adjacent buildings within the same development. Where an existing or planned public transportation station or stop is within 1,000 feet (straight line distance measured from the entrance of the station or stop) from any boundary of the subject property, the access plan shall show how pedestrians may travel safely and conveniently from such station or stop to the entrance of buildings on the subject property. Where an existing or planned multi-use path is located within 1,320 feet (straight line distance) from any boundary of the subject property, the access plan shall show how safe, continuous and convenient bicycle and pedestrian access may be provided to the subject property.
 - 2. Shared Parking Analysis.** A shared parking analysis for use of shared parking shall be submitted, if applicable. Shared parking shall meet the requirements of the Overlay design standards listed in Article 4.18 of this Ordinance.
 - 3. Traffic Impact Study.** A traffic impact study shall be submitted at the time for submittal of the Detailed Development Plan for residential developments with more than 120 dwelling units and for any non-residential developments deemed likely by the Department of Transportation and Development to generate 100 or more p.m. peak hour trips. The traffic impact study shall follow procedures established by the most recent edition of the ITE Transportation Impact Analysis for Site Development
- C. Procedures for Review and Approval of Land Development Requiring Subdivision.** Land development within the Overlay District that requires subdivision shall be as provided in the Subdivision Ordinance of Clayton County, with the following modifications.
- 1. Multi-Modal Access Plan.** An access plan shall be submitted showing connections from the system of streets, alleys, sidewalks and multi-use paths shown in the conceptual transportation plan to the entrances of all occupied buildings within the subject property. Convenient pedestrian ways shall be shown from sidewalks along streets to each building entrance, including designated pedestrian access routes across parking lots and between adjacent buildings within the same development. Where an existing or planned public transportation station or stop is within 1,000 feet (straight line distance measured from the entrance of the station or stop) from any boundary of the subject property, the access plan shall show how pedestrians may travel safely and conveniently from such station or stop to the entrance of buildings on the subject property. Where an existing or planned multi-use path is located within 1,320 feet (straight line distance) from any boundary of the subject property, the access plan shall show how safe, continuous and convenient bicycle and pedestrian access may be provided to the subject property.
 - 2. Traffic Impact Study.** A traffic impact study shall be submitted for residential developments with more than 120 dwelling units and for any non-residential developments deemed likely by the Department of Transportation and

- Development to generate 100 or more p.m. peak hour trips. The traffic impact study shall follow procedures established by the most recent edition of the ITE Transportation Impact Analysis for Site Development.
3. **Shared Parking Analysis.** A shared parking analysis for use of shared parking shall be submitted, if applicable. Shared parking shall meet the requirements of the Overlay design standards listed in Article 4.18 of this Ordinance.
 4. **Signage Master Plan.** For all multi-tenant or multi-owner developments other than single-family residential subdivisions, a signage master plan shall be submitted at the time of review of the preliminary plat. The signage master plan shall contain the following information on a copy of the preliminary plat:
 - a. Provide a computation for each proposed sign and/or existing sign to remain, except for window signs and temporary signs, indicate the proposed number of signs and the total sign area of such signs, the proposed location, type, height, and sign area of each sign.
 - b. Provide a computation of the maximum permitted number of signs, maximum permitted total sign area, and maximum permitted area for individual signs permitted under Article 8, Sign Standards (SS), of this Ordinance.
- D. **Procedures for Review and Approval of Land Development not requiring a Subdivision.** Land development within the Overlay District that does not require subdivision shall be as provided in Article 11, Site Development Plans, with the following modifications. However, single-family lots of record are exempt from these requirements, pursuant to Article 4.57.
1. **Multi-Modal Access Plan.** An access plan shall be submitted showing connections from the system of streets, alleys, sidewalks and multi-use paths shown in the conceptual transportation plan to the entrances of all occupied buildings within the subject property. Convenient pedestrian ways shall be shown from sidewalks along streets to each building entrance, including designated pedestrian access routes across parking lots and between adjacent buildings within the same development. Where an existing or planned public transportation station or stop is within 1,000 feet (straight line distance measured from the entrance of the station or stop) from any boundary of the subject property, the access plan shall show how pedestrians may travel safely and conveniently from such station or stop to the entrance of buildings on the subject property. Where an existing or planned multi-use path is located within 1,320 feet (straight line distance) from any boundary of the subject property, the access plan shall show how safe, continuous and convenient bicycle and pedestrian access may be provided to the subject property.
 2. **Traffic Impact Study.** A traffic impact study shall be submitted for residential developments with more than 120 dwelling units and for any non-residential developments deemed likely by the Department of Transportation and Development to generate 100 or more p.m. peak hour trips. The traffic impact study shall follow procedures established by the most recent edition of the ITE Transportation Impact Analysis for Site Development.
 3. **Shared Parking Analysis.** A shared parking analysis for use of shared parking shall be submitted, if applicable. Shared parking shall meet the requirements of the Overlay design standards listed in Article 4.18 of this Ordinance.
 4. **Signage Master Plan.** For all multi-tenant or multi-owner developments other than single-family residential subdivisions, a signage master plan shall be submitted at the time of review of the preliminary plat. The signage master plan shall contain the following information on a copy of the preliminary plat:

- a. Provide a computation for each proposed sign and/or existing sign to remain, except for window signs and temporary signs, indicate the proposed number of signs and the total sign area of such signs, the proposed location, type, height, and sign area of each sign.
- b. Provide a computation of the maximum permitted number of signs, maximum permitted total sign area, and maximum permitted area for individual signs permitted under Article 8, Sign Standards (SS), of this Ordinance.

4.54 Permitted Uses

The following uses shall be permitted within the Highway 54 Overlay District:

1. Banks and loan associations;
2. Bookstores;
3. Clothing and apparel store;
4. Convenience stores;
5. Coin laundry, dry-cleaning, and pick-up stations dealing directly with the customer;
6. Discount stores;
7. Drug stores;
8. Dwelling, single-family;
9. Florist and gift shops;
10. Fruit markets;
11. Grocery Stores;
12. Group day care home;
13. Hardware Store;
14. Jewelry Store;
15. Museums and art galleries;
16. Photographic studio;
17. Police, Fire, Rescue;
18. Post office;
19. Professional offices;
20. Public wellfied/ pump house;
21. Repair shops (watches, radio, television, shoe, etc.);
22. Restaurants (dine-in only);
23. Utility substation;
24. Water tower;
25. Any accessory building and uses customarily incidental to the above permitted uses.

4.55 Non-residential Land Uses

- A. **Architectural Standards.** Architectural design of all buildings and structures, excluding those utilized for residential land uses, shall adhere to the following standards:
 1. All building facades facing public streets and all non-residential primary structures shall have facades constructed of brick, granite, stone, marble, terrazzo, architecturally treated reinforced concrete slabs, either fluted or with exposed aggregate, insulated window wall panels or stainless steel, porcelain-treated steel, anodized or other permanently finished aluminum.
 2. No more than 50 percent of each façade of any primary structure shall be constructed of metal panels with a baked-on enamel or acrylic finish (which must

- be expected to retain its appearance without substantial maintenance for a period of ten years), stucco, dryvit, concrete block with either sculptured treatment or stack bond with sculptured treatment, or split-faced decorative block.
3. Walls visible from roadways or parking areas shall incorporate changes in building material, varying wall offsets and/or other architectural features every 100 linear feet.
 4. Building materials, architectural features and colors of exterior finishes of accessory structures shall be consistent with the principal structure.
 5. All roof-top equipment shall be screened from public view by parapets, dormers or other screens. The average height of parapets shall not exceed 15 percent of the height of the supporting wall, and shall not at any point exceed a height equal to 30 percent of the supporting wall.
 6. The maximum height of primary structures shall be 40 feet with no more than two floors. The maximum structure height for accessory structures shall be 25 feet.
 7. Sloped roofs shall feature a roof plane change, gable, or dormer for every 100 linear feet.
 8. The roof pitch for sloped roofs shall be a minimum of 4:12 over the primary structure.
 9. Chain link fencing shall not be visible from any public street.
 10. Burglar bars, steel gates, metal awnings and steel roll-down curtains are prohibited on the exterior and interior of the structure, except on the structure's rear.
 11. Vending machines, paper stands, and other similar devices must be located within a building.
 12. Outdoor storage of propane tanks shall be permitted. Propane tank storage shall be screened from view from any public right-of-way.
- B. **Sign standards.** The sign standards established within Article 8, Sign Standards (SS), of the Zoning Ordinance shall be applied to all non-residential properties within the Highway 54 Corridor Overlay District, along with the following additional requirements:
1. Ground signs shall not exceed 8 feet in height.
 2. Signs shall reflect and complement the building materials, colors, and other design details of the principal structure on the lot upon which the sign is installed.
- C. **Landscaping standards.** The landscaping standards established in Article 6.34, Landscaping Standards (LA), shall apply to all non-residential properties within the Highway 54 Corridor Overlay District, along with the following additional requirements:
1. A landscaped strip a minimum of 10 feet in width shall be provided along all side and rear property lines.
 2. A landscaped strip a minimum of 15 feet in width shall be required along the front property line.
 3. Landscaped strips along public rights-of-way shall be continuous except at points of ingress or egress onto the property.
 4. Landscaped strips may consist of ground cover, shrubs, trees, and hardscape elements such as planters and benches, or any combination thereof. Areas of exposed earth shall not be allowed.
 5. All landscaped strips shall be maintained by the property owner. Any tree, shrub or ground cover which dies shall be replaced within the earliest planting season.

- D. **Sidewalks.** Public sidewalks within the public right-of-way shall be provided adjacent to all development sites within the Highway 54 Overlay District, and shall meet the following requirements:
1. All sidewalks shall have a minimum width of 5 feet along all roads in residentially zoned or used areas and 6 feet in all commercial, industrial, and mixed use development areas as defined within the Department of Transportation and Development's Land Disturbance and Right-of-Way Construction Guidelines.
 2. All sidewalks shall be properly flared to match any existing connecting sidewalks.
 3. On-site sidewalks shall connect the street to the main entrance of the principal structure on the site. If an on-site sidewalk crosses a parking lot, drive aisle, or driveway, the crossing shall be clearly marked or identifiable through the use of striping or speed bumps.
- E. **Parking Standards.** Off-street parking shall be required as in Article 6.32, Parking Standards (PK), of the Zoning Ordinance, except as provided below:
1. No more than 25 percent of the required number of parking spaces shall be located in the front yard.
 2. Where a parking lot is adjacent to a street or public right-of-way, the parking lot shall be screened from the right-of-way by a minimum 3-feet in height and 3-feet in width, dense evergreen hedge or by a brick, stone or textured concrete masonry unit wall not less than 3 feet in height.
 3. The Zoning Administrator may approve a reduction of up to 25percent in the number of parking spaces required for a specific use where inter-parcel access is provided and a shared parking analysis, which is approved by the Zoning Administrator, demonstrates that adequate parking will be provided. The process for determining the minimum parking requirements for a mixed-use development or for contiguous properties containing multiple uses is:
 - a. Determine the minimum number of parking spaces required for each use category from Article 6.32, Parking Standards (PK) of the Zoning Ordinance.
 - b. Multiply each parking requirement by the corresponding percentage for each of the time periods shown on the table below.
 - c. Total the number of parking spaces for each of the time periods (add together the numbers in each column).
 - d. The largest column total is the minimum shared parking requirement for the development or collectively for the contiguous properties.
 - e. In no case shall parking spaces that are farther than 1,000 feet from a building entrance be allowed to satisfy off-street parking requirements for a use or be counted towards shared parking requirements.

Shared parking space requirements

Use	WEEKDAYS		WEEKENDS	
	Daytime 6 a.m.—5 p.m.	Evening 5 p.m.--1 a.m.	Daytime 6 a.m.--5 p.m.	Evening 5 p.m.--1 a.m.
Residential	80%	100%	80%	100%
Office	100%	10%	20%	5%
Retail	95%	85%	100%	70%
Hotel	60%	100%	60%	100%
Restaurant	75%	100%	60%	100%
Entertainment	50%	85%	70%	100%
Church	50%	50%	100%	60%

4. **Loading Standards.** Off-street loading shall be required as in Article 6.33, Loading Standards (LD), of the Zoning Ordinance, except as provided below:
- Off-street loading shall be limited to the area between the rear of the principal structure and the rear lot setback line, or between the side of the principal building and the side lot setback line.
 - Where a loading area is visible from a street or public right-of-way, the loading area shall be screened from the right-of-way by a minimum 5-feet in height and 5- feet in width, dense evergreen hedge or by a brick, stone or textured concrete masonry unit wall not less than 5 feet in height.
- G. **Outdoor Lighting Standards.** All outdoor lighting shall adhere to the standards set forth within Article 6.36, Outdoor Lighting Standards (OL).

4.56 Residential Land Uses

- A. **Prohibited uses.** The following residential land uses shall be prohibited within the Highway 54 Overlay District:
- Residential townhomes, except within a Planned Unit Development (PUD), and
 - Residential condominiums.
- B. **Architectural Standards.** Architectural design of all buildings and structures utilized for residential uses shall adhere to the following standards:
- Building materials for all exterior facades of residential buildings shall consist of brick, stone, or stucco as approved by the Zoning Administrator.
 - Vinyl products shall only be used for soffits, eaves, and fascia of residential structures.
 - Building materials, architectural features and colors of exterior finishes of accessory structures shall be consistent with the principal structure.
 - Sloped roofs shall feature a roof plane change, gable, or dormer for every 100 linear feet.
 - The roof pitch for sloped roofs shall be a minimum of 4:12 over the primary structure.

- C. **Minimum Lot Size.** No lot shall be smaller than 10, 890 square feet.
- D. **Sign standards.** The sign standards established within Article 8, Sign Standards (SS), of the Zoning Ordinance shall be applied to all residential properties within the Highway 54 Overlay District, along with the following additional requirements:
 - 1. Subdivision entrance signs shall be constructed of brick, stone and/or metal.
- E. **Landscaping standards.** The landscaping standards established in Article 6.34, Landscaping Standards (LA), shall apply to all residential properties within the Highway 54 Overlay District, along with the following additional requirements:
 - 1. Where a subdivision, condominium, cluster housing or multiple family residential development borders a public right-of-way, a landscaped greenbelt buffer a minimum of 30 feet in width shall be provided along the right-of-way to provide screening. Screening may be provided utilizing a decorative wall and/or landscaped berm. This greenbelt shall be provided in addition to yard setbacks required by the Zoning Ordinance.
 - 2. A landscaped strip a minimum of 25 feet in width shall be required along all boundaries of subdivisions or multiple family residential developments which do not border a public right-of-way. This landscape strip shall be provided in addition to yard setbacks required by the Zoning Ordinance.
 - 3. Landscaped strips and greenbelts may consist of ground cover, shrubs, trees, and/or decorative fencing or walls. Areas of exposed earth shall not be allowed.
 - 4. All landscaped strips and greenbelts shall be maintained by the property owner. Any tree, shrub or ground cover which dies shall be replaced within the earliest planting season.
- F. **Sidewalk and Connectivity Standards.** Sidewalks shall be provided on all roads and shall conform with the Sidewalk Standards set forth in Article 6.9 of the Subdivision Ordinance.
 - 1. All developments and public spaces shall be linked with each other and with existing and future developments through the required sidewalk system or use of pedestrian pathways as identified in Article 6.14 of the Subdivision Ordinance.
- G. **Parking Standards.** Off-street parking shall be required as in Article 6.32, Parking Standards (PK), of the Zoning Ordinance.
- H. **Outdoor Lighting Standards.** All outdoor lighting shall adhere to the standards set forth within Article 6.36, Outdoor Lighting Standards (OL).

4.57 Exceptions and Exemptions from Overlay Districts

Applications for land disturbance permits, site development plan review, plat approval, sign permits, and building permits for properties within the designated Overlay District shall meet all of the requirements of the base zoning district in which the parcel is located and all provisions of the designated Overlay District unless such application meets one of the following exceptions:

- A. Alterations to existing single-family dwellings located within a subdivision of record zoned AG, ER, RS-180, RS-110, RG-75, or PUD with a final plat approved prior to enactment of this section shall not be subject to the provisions of this Overlay District, provided that such alterations are limited to the following actions:
 - 1. Additions of heated floor area less than 50 percent of the existing floor area.
 - 2. Construction of an accessory structure or garage not to exceed 750 square feet in floor area.
 - 3. Improvements to outdoor space, such as swimming pools, courts for basketball, tennis or handball, gazebos, trellises, patios, decks, balconies, and similar non-occupied structures; or interior renovations.

- B. Construction of a single-family dwelling on an existing lot of record zoned AG, ER, RS-180, RS-110, RG-75, PUD within a single-family residential subdivision with a final plat approved prior to enactment of this section shall not be subject to the provisions of this Overlay District Ordinance provided that such new construction shall be of similar floor area, materials and design as the single-family dwellings on adjacent lots in the same subdivision. Similar floor area for the purposes of this subsection means not more than 20 percent greater than the average heated floor area of the structures located on the abutting residential properties.
- C. Replacement, reconstruction, restoration, or repair of a single-family dwelling that is destroyed or damaged by fire or other natural occurrence shall not be subject to the provisions of this Overlay, provided that such dwelling is located on an existing lot of record zoned for a residential use within a single-family residential subdivision with a final plat approved prior to enactment of this section, and provided that such new construction shall be of similar floor area, materials and design as the single-family dwellings on adjacent lots in the same subdivision. Similar floor area for the purposes of this subsection means not more than 20 percent greater than the average heated floor area of the structures located on the abutting residential properties.
- D. Construction, rehabilitation, restoration and repair of a non-residential structure existing prior to the enactment of this section shall not be subject to those provisions of the Overlay until such time as the cumulative effect of all permits on a single parcel result in an increase in the total floor area of the existing structure by 20 percent or 5,000 square feet, whichever is less.

4.58 Surety Standards

The Zoning Administrator shall have the authority to require the applicant to establish a surety, performance guarantee, or post performance bonds in a form acceptable to Clayton County in order to guarantee timely installation of required project improvements such as, but not limited to, streets, utilities, drainage, sidewalks, landscaping, amenity/recreation areas, and multi-use trails within the subject development that are consistent with the Preliminary Plat, Site Development Plan, and/ or Detailed Development Plan within the designated Overlay Design Guidelines. This surety, performance guarantee, or performance bonds shall be provided in accordance with the provision of Article 5, Surety, of the Subdivision Regulations with the following modification:

- 1. If the development does not require subdivision, the Surety shall be provided at the time of the Construction Drawing request and before the Grading and Soil Erosion & Sedimentation Control Permits are released.

4.59 Appeals

Appeals of final decisions of the Zoning Administrator by aggrieved persons shall be in accordance with Article 13.22, Administrative Appeal Process (AA) of this Zoning Ordinance. Furthermore, appeals of this ordinance may be requested to be heard by the Zoning Board of Appeals in accordance with Article 13.21, Variance Process (VA).

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Zoning Map

ZM

Article Five: Zoning Map

5.1 Official Zoning Map

The zoning map for Clayton County, officially labeled "Clayton County Zoning Map," is hereby included as part of this Ordinance. The map may also be known as and referred to as the "Official Zoning Map."

5.2 Official Zoning Map Copies

Copies of the Official Zoning Map may be made and distributed to interested persons. The Official Zoning Map copies shall be labeled as copies and have the date which they were last modified printed on them. Clayton County may collect a fee for the reproduction of this map.

5.3 Location of the Official Zoning Map

The Official Zoning Map will be located in the office of the Clayton County Community Development Department.

5.4 Zoning District Boundaries

The Zoning District boundaries shall be shown on the Official Zoning Map. The abbreviations for the zoning districts appearing in this Ordinance shall be used to identify the zoning districts on the Official Zoning Map.

5.5 Regular Revisions

The Official Zoning Map may be formally revised annually, or as the Board of Commissioners and/ or the Community Development Department determines necessary. During interim periods of time, hand drawn lines and text on the Official Zoning Map will be appropriate to note zoning changes. Copies may be made after the amendments are noted, and each copy shall be noted as an update with the "date last changed" noted on the map. Other revisions may be made to correct drafting or other errors or omissions in the prior map, but shall not have the effect of amending the Official Zoning Map except as adopted by the Board of Commissioners.

5.6 Official Zoning Map Standards

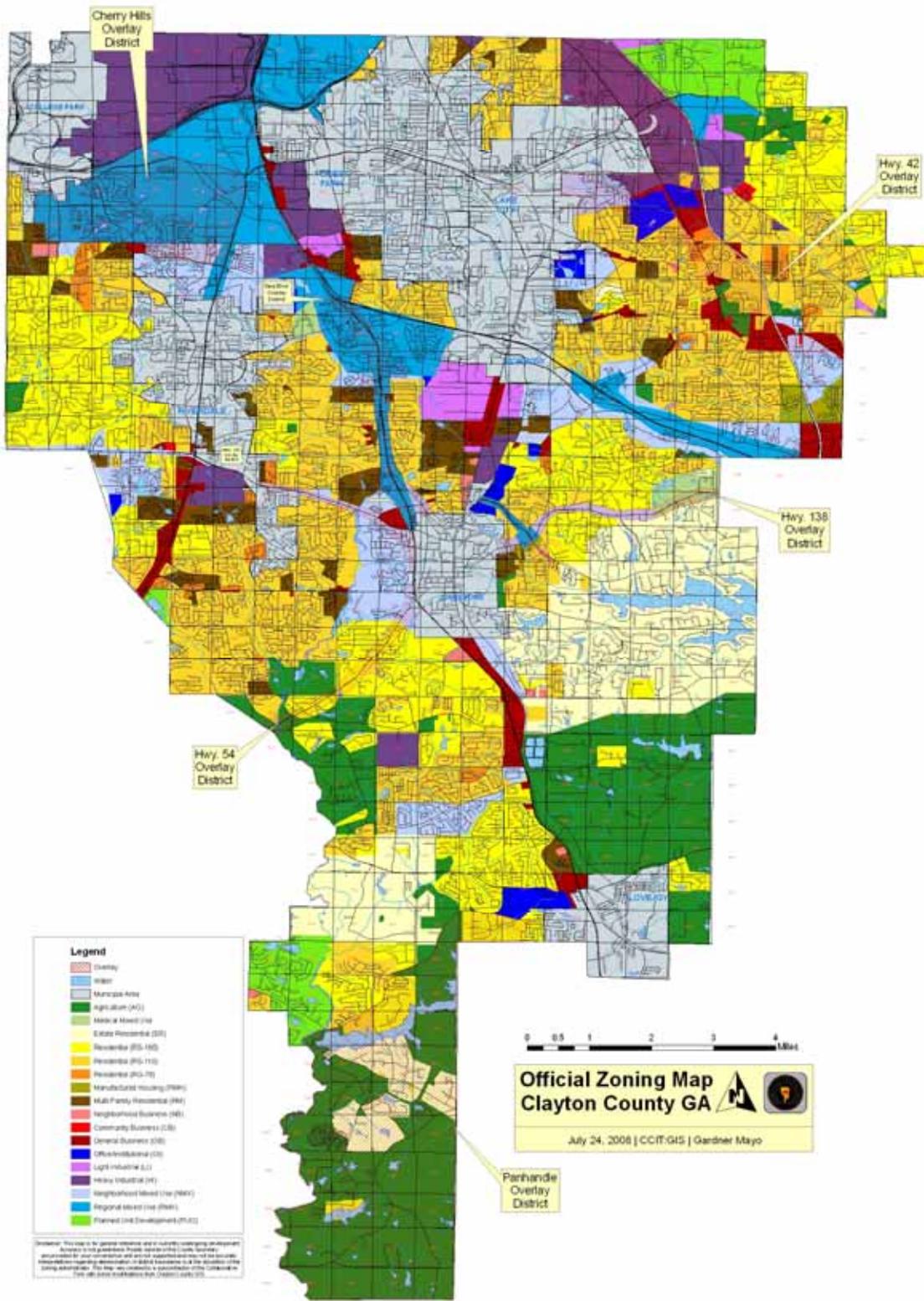
District boundaries of the Official Zoning Map shall be interpreted as follows:

A. District boundaries indicated as following land lot lines, platted lot lines, or County

or City corporation lines shall be construed as following such lines.

- B. District boundaries indicated as approximately following the center line of streams, rivers, or other bodies of water shall be construed to follow such center lines.
- C. Where a district boundary line divides a lot at the time such line is adopted, the district in which the majority of the area of the property is included shall apply to the entire property. In cases where a property is divided equally between two or more zoning districts, the most restrictive district shall apply to the entire property. The Zoning Administrator shall determine the applicable zoning for properties divided into several zoning districts consistent with this section.
- D. If the Zoning Administrator cannot definitely determine the location of a district boundary by such center lines, by scale or dimensions stated on the Official Zoning Map, or by the fact that it does not clearly coincide with a property line, immediate action on any application shall be refused. The Zoning Administrator will then have 14 calendar days to consult all County records and departments to determine the zoning classification of the property in question. A letter reporting the Zoning Administrator's findings and zoning classification shall be issued to the applicant and copied to the department's files. Any ruling of the Zoning Administrator or official designee pertaining to the district boundaries may be appealed to the Board of Zoning Appeals.

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Development Standards



6.1 Introduction

All structures, land uses, land use changes, structural alterations, structural relocations, structural additions, and structural enlargements that are constructed, created, established, or otherwise occur after the effective date of this ordinance (except as may otherwise be provided within this ordinance) shall be subject to all Development Standards and regulations for the applicable zoning district.

6.2 Expansion or Modification of Existing Uses and Structures

No structure, parking area, or other site feature regulated by this ordinance shall be enlarged, altered, or expanded unless the minimum improvements required by this Article are provided to the property to the extent of its alteration or expansion. In the case of a substantial expansion, the portion of the site affected must meet the requirements of this Article. An alteration or expansion to an existing property is substantial when the area or square footage of the expanded or altered land (including property used for building space, parking, or storage) or structure, respectively, exceeds twenty (25) percent of the area or square footage of the existing land or structure, exclusive of the alteration or expansion.

6.3 Development Standards that Apply

Under the sections of this Article that follow are Development Standards. The two and three digit codes listed below are referred to in the “Additional Development Standards that Apply” section on the Two-Page Layout for each Zoning District.

Article Six: Development Standards

Lot/Yard Standards (LY)

6.4 Lot/Yard Standards (LY)

LY-01: This Lot/Yard Standards section applies to all districts.

- A. **Legal Nonconforming Lots:** Any existing lot in conflict with the lot/yard regulations at the effective date of this Ordinance shall be considered a Legal Non-Conforming Lot of Record.
- B. **General Requirements:** Except as provided in this Ordinance, no building or structure shall be erected, altered, enlarged or reconstructed unless such alteration, enlargement, or reconstruction conforms with the lot/yard regulations of the district in which it is located, as follows:
1. **Front Yard Setbacks:** The minimum front yard setbacks shall be as noted in the Two-Page Layout for each Zoning District found in Article 3.
 2. **Side Yard Setbacks:** The minimum side yard setbacks shall be as noted in the Two-Page Layout for each Zoning District found in Article 3.
 3. **Rear Yard Setbacks:** The minimum rear yard setbacks shall be as noted in the Two-Page Layout for each Zoning District found in Article 3.
 4. **Lot Areas:** The minimum and maximum lot areas shall be as noted in the Two-Page Layout for each Zoning District found in Article 3.
 5. **Lot Width:** The minimum lot width shall be as noted in the Two-Page Layout for each Zoning District found in Article 3.
 6. **Lot Frontage:** The minimum lot frontage shall be as noted in the Two-Page Layout for each Zoning District found in Article 3.
 7. **Lot Depth:** The maximum lot depth shall be as noted in the Two-Page Layout for each Zoning District found in Article 3.
 8. **Public Utility Requirements:** The public utility requirements shall be as noted in the Two-Page Layout for each Zoning District found in Article 3.
 9. **Lot Coverage:** The maximum lot coverage shall be as noted in the Two-Page Layout for each Zoning District found in Article 3.
 10. **Living and Ground Floor Areas:** The minimum dwelling unit and ground floor living areas shall be as noted in the Two-Page Layout for each Zoning District found in Article 3.
 11. **Primary Structures:** The maximum number of residential and/or primary structures per lot shall be as noted in the Two-Page Layout for each Zoning District found in Article 3.
- C. **Setback Standards:** No portion of any temporary structure or materials for sale stored outdoors is allowed to be located within the required setbacks. All accessory uses and structures shall be permitted within the required setbacks subject to the requirements of this Ordinance. Parking spaces, interior drives, other vehicle use areas and sidewalks shall be permitted within the required setbacks at normal grade level subject to the requirements of this Ordinance.

Height Standards (HT)

6.5 Height Standards (HT)

HT-01: This Height Standards section applies to all districts.

- A. The maximum height permitted shall be as noted in the Two-Page Layout for each Zoning District found in Article 3.
- B. No structure may be erected or changed so as to make its height greater than specified in the applicable zoning district, except as noted below. Exceptions to the height standards include:
 1. The following structures may exceed the permitted height regulations by twofold (x2), but shall not exceed a total height from grade level of one hundred fifty (150) feet:
 - a. Church steeples
 - b. Private water towers, and
 - c. Utility transmission towers.
 2. The following structures may exceed the permitted height standards by up to fifteen (15) feet, but shall be completely shielded from view by design features of the building:
 - a. Necessary mechanical appurtenances, and
 - b. Elevator bulkheads.
 3. The height of telecommunication towers and antenna shall meet the requirements of Section 6.37, Telecommunication Facilities Standards, of this Article.

Septic Tank Standards (ST)

6.6 Septic Tank Standards (ST)

HT-01: This Septic Tank Standards section applies to all districts.

The following standards shall apply to lots requiring septic tanks:

Non-public Individual Water Supply System (Individual Well)	Public Water Supply System
43,560 square feet (1 acre)	25,000 square feet (usable soil)

- A. The above minimum lot sizes are for the typical size home (3 or 4 bedroom) with basic appurtenances such as: driveway, minimum number of trees, and water supply line. If larger homes, swimming pools, tennis courts or outbuildings, etc. are proposed to be constructed or if trees would interfere with installation of an on-site sewage management system, the Clayton County Board of Health may require larger lots to assure useable soil area or proposal may not be approved.
- B. The following land areas are not considered as a part of a lot when calculating the required minimum lot size: right of ways of roads, private or public easements (such as power line or pipe line) that exclude installation of an on-site sewage management system, any area deemed undisturbed by any county or governmental office, flood control and management features (such as retention and/or detention ponds, etc.), any portion of the lot established to grant access to the lot and is less than 30 feet in

width, soil conditions that exclude the installation of an on-site sewage management system, bodies of water, land within 50 feet of a lake, river, stream, wetland or other bodies of water and similar limiting factors.

- C. No single-family residence shall be permitted on a lot of less than 25,000 square feet of usable surface area to be served by septic tank(s), regardless of the zoning district classification. With respect to existing platted lots, the Clayton County Board of Health will evaluate each individual request for a permit on a case-by-case basis. This restriction on lot size does not apply to residential development served by community sewer systems. Further, no septic tanks or drainfields will be permitted within a drinking water supply watershed buffer.
- D. No person may begin the physical development of a lot or structure thereon, where an on-site sewage management system will be utilized, nor install an on-site sewage management system or component thereof without having first applied for and obtained from the County Health Department a construction permit for the installation
- E. In instances where a larger lot is required by the district standard than this section, the larger requirement shall apply.

Architecture & Appearance Standards for Residential Buildings and Structures (AA)

6.7 Architecture & Appearance (AA)

AA-01: These Architecture and Appearance Standards section applies to all districts.

The intent of this section is to encourage architecture that is unobtrusive and of a design, material, and color that blends harmoniously with the natural surroundings and the form and scale of existing adjoining neighborhood architecture. Architectural Design Standards are not meant to stifle innovative design or diversity, but to safeguard property values and long-term economic assets through quality design and development.

- A. **Compliance:** Compliance with this Article, as determined by the Zoning Administrator, shall be required as a condition precedent to the issuance of a preliminary plat approval or building permit for any residential dwelling or structure. A decision by the Zoning Administrator or request for a variance may be appealed to the Board of Zoning Appeals, as provided within Article 13. The Department of Community Development is further authorized to adopt administrative regulations establishing the submittal requirements necessary to determine whether a proposed residential dwelling or structure complies within this Article, as well as the requirements of any other applicable Clayton County Ordinance.
- B. **Plan Book:** A Plan Book shall be submitted by the Applicant to the Zoning Administrator for all proposed development of new single family, two family, townhouse, rowhouse, condominium, or multiple family developments. The documents shall include, but are not limited to: building elevations, design criteria applicable for entries, porches, doors, windows, dormers, columns, cornices, rakes, garages, roofs, landscaping, fencing, retaining walls, exterior colors and materials, and other pertinent information as required by the Zoning Administrator.

AA-02: Architectural Design Standards for Single-Family Detached or Two-Family Attached Residential Dwellings

- A. **Exterior Finish:** The exterior of all new single-family detached or two-family attached residences should consist of a combination of brick veneer, concrete masonry veneer, hardboard or panel siding – vertical or lap siding – horizontal, stone veneer, vinyl siding, natural wood painted or stained, shiplap, fiber cement panel siding, fiber cement lap siding, three coat stucco, or any other product approved by the Zoning Administrator. Exterior finish materials shall be approved by the Zoning Administrator as part of the Plan Book. Structures utilizing a single exterior finish material of brick, stone, or stucco shall be permitted with approval from the Zoning Administrator.
- B. **Gutters:** Full length gutters and down spouts shall be required on all single-family detached or attached dwellings.
- D. **Garages:** All single family detached dwellings, located within the ER, and RS-180 zoning district shall have an attached or detached, two car garage, which is enclosed on at least three sides, and be architecturally consistent with the primary structure. All single-family detached and two-family attached dwellings located within the RS-110 and RG-75 zoning district shall have an attached or detached, one car garage, which is enclosed on at least three (3) sides, and be architecturally consistent with the primary structure.
- E. **Chimney:** Chimneys located on the exterior building wall of the dwelling must extend to the ground and be clad in brick, stone, or masonry finished materials or the same material as the exterior adjacent to the chimney.
- F. **Decks:** Decks shall be located within the side and/ or rear yard only.
- G. **Accessory Structures:** Accessory structures shall be architecturally compatible with the primary structure.

AA-03: Architectural Design Standards for Residential Townhomes, Rowhomes, and Condominiums

- A. **Exterior Finish:** The exterior shall consist of a combination of brick veneer, concrete masonry veneer, hardboard or panel siding – vertical or lap siding – horizontal, stone veneer, vinyl siding, natural wood painted or stained, shiplap, fiber cement panel siding, fiber cement lap siding, three coat stucco, or any other product approved by the Zoning Administrator. The use of architectural details such as window shutters, window pediments, door pilasters, gable pediments, wrought iron railings, and decorative lighting, are strongly encouraged. Exterior finish materials, architectural detailing, and decorative trim shall be approved by the Zoning Administrator as part of the Plan Book. Any building elevation that is visible from the street must be consistent with the front facades. Structures utilizing a single exterior finish material of brick, stone, or stucco shall be permitted with approval from the Zoning Administrator.
- B. **Color:** The primary color of building exteriors shall be compatible with the colors of adjacent buildings and in character with the surrounding area, provided the trim may be of a contrasting color.
- C. **Facades:** Walls visible from a public street, adjacent off-street parking areas or other residential uses shall include windows and architectural features similar to the front facade of the building, including, but not limited to awnings, cornice work, edge detailing or other decorative finish materials.
- D. **Porches:** All main entrances to the units shall have a porch or stoop facing the street that is at least six (6) feet in depth and thirty (30) square feet in area.

- E. **Roofs:** All buildings shall have pitched roofs. The roofline may also include varying lines customary with gable or hip style roofing. Functional dormer window features are encouraged. Permitted roofing materials include asphalt shingles, cedar shake, and slate. Standing seam metal roofing is not permitted on residential structures.
- F. **Garages:** All single family attached townhouse developments shall have an attached or detached, one car garage, which is enclosed on at least three (3) sides, and be architecturally consistent with the primary structure.
- G. **Accessory Structures:** Accessory structures shall be architecturally compatible with the primary structure.

AA-04: Architectural Design Standards for Multi-family Residential Apartment Developments and Condominiums

- A. **Exterior Finish:** Exterior material shall be constructed with a combination of brick veneer, concrete masonry veneer, hardboard or panel siding – vertical or lap siding – horizontal, stone veneer, vinyl siding, natural wood painted or stained, shiplap, fiber cement panel siding, fiber cement lap siding, three coat stucco, or any other product approved by the Zoning Administrator. The use of architectural details such as window shutters, window pediments, door pilasters, gable pediments, wrought iron railings, and decorative lighting, are strongly encouraged. Exterior finish materials, architectural detailing, and decorative trim shall be approved by the Zoning Administrator as part of the Plan Book. Any building elevation that is visible from the street must be consistent with the front facades. Structures utilizing a single exterior finish material of brick, stone, or stucco shall be permitted with approval from the Zoning Administrator.
- B. **Color:** The primary color of building exteriors shall be compatible with the colors of adjacent buildings and in character with the surrounding area, provided the trim may be of a contrasting color.
- C. **Facades:** Walls visible from a public street, adjacent off-street parking areas or other residential uses shall include windows and architectural features similar to the front facade of the building, including, but not limited to awnings, cornice work, edge detailing or other decorative finish materials.
- D. **Exemption:** Condominiums established via the conversion of an existing apartment development are exempt from this Section 6.7-AA-04.
- E. **Accessory Structures:** Accessory structures shall be architecturally compatible with the primary structure.

Architectural & Appearance Standards for Commercial and Industrial Buildings and Structures (AC)

6.8 Architectural & Appearance for Commercial and Industrial (AC)

AC-01: These Architectural and Appearance Standards section applies to all districts.

The intent of this section is to encourage architecture that is unobtrusive and of a design, material, and color that blends harmoniously with the natural surroundings and the form and scale of existing architecture.

- A. **Compliance:** Compliance with this Article, as determined by the Zoning Administrator, shall be required as a condition precedent to the issuance of a building permit for any commercial or industrial building or structure. A decision by the

Zoning Administrator or request for a variance may be appealed to the Board of Zoning Appeals, as provided within Article 13. The Department of Community Development is further authorized to adopt administrative regulations establishing the submittal requirements necessary to determine whether a proposed commercial or industrial building or structure complies with this Article, as well as the requirements of any other applicable Clayton County Ordinance.

AC-02: Architectural Design Standards for Commercial and Industrial Buildings

- A. On all roadways where buildings or parts thereof are visible, all exposed exterior wall sidings shall be composed of the following maximum and minimum percentages of materials in each classification. The percentages apply to the siding on each exposed exterior wall of each building visible from the street on which such building is located:

	Maximum (percent)	Minimum (percent)
Type A material	100	40
Type B material	60	0
Type C material	25	0
Type D material	10	0

1. ***Type A material.*** To consist of face brick, granite, stone, marble, terrazzo, architecturally treated reinforced concrete slabs, either fluted or with exposed aggregate, insulated window wall panels or stainless steel, porcelain-treated steel, anodized or other permanently finished aluminum.
 2. ***Type B material.*** To consist of metal panels with a baked-on enamel or acrylic finish (which must be expected to retain its appearance without substantial maintenance for a period of ten years), stucco, dryvit, concrete block with either sculptured treatment or stack bond with sculptured treatment, or split-faced decorative block. All materials shall be earth-tone in color.
 3. ***Type C material.*** To consist of plain reinforced concrete slabs, concrete block with either sculptured treatment or stacked bond and raked joints.
 4. ***Type D material.*** To consist of corrugated steel and aluminum without finish prescribed in subsection (2) of this subsection, plain concrete block, redwood or other decorative wood, masonite, particle board. All materials shall be earth-tone in color.
- B. Materials not listed may be presented to the Zoning Administrator or his/ her designated agent/representative for classification.
- C. Buildings having walls over twenty (20) feet high may be given special material percentages by the Zoning Administrator or his/ her designated representative.

Accessory Use/Structures Standards (AS)

6.9 Accessory Use/Structures Standards (AS)

AS-01: This Accessory Use/Structure Standards section applies to all districts.

- A. All accessory uses and structures shall be permitted only in association with, and on the same lot as the primary use or structure. Accessory uses and structures shall not be permitted to be located, placed, or established on any lot prior to the establishment of a primary use or structure unless otherwise permitted by this Ordinance.
- B. Accessory structures are not deemed to include swing sets, mailboxes, lamp posts, doghouses, tree houses, and other such incidentals except as otherwise stated in this Ordinance.
- C. The following accessory structures are permitted, subject to all applicable requirements of this Ordinance:
 - 1. Antennas and satellite dishes,
 - 2. Attached and detached decks and patios,
 - 3. Gazebos,
 - 4. Detached garages and/ or workshops,
 - 5. Mini-barns, sheds, and other storage buildings, and
 - 6. Similar structures related to the primary use.
- D. Accessory uses and structures shall be consistent with the following requirements:
 - 1. No more than three (3) accessory structures may be placed on any one lot; and
 - 2. The combined size of all accessory structures on any one lot may not exceed an amount equal to fifty (50) percent of the finished floor area of the primary structure on that lot.
- E. Accessory structures shall comply with the following location requirements:
 - 1. No accessory structures shall encroach on any platted easement without written consent of the agency the easement belongs to or is managed by.
 - 2. No accessory structures shall be placed in any operable septic fields or reserve septic fields.
 - 3. A minimum separation of ten (10) feet shall be provided between an accessory structure and any primary structure or other accessory structure.
 - 4. All accessory structures shall be placed a minimum of five (5) feet from the side and rear property lines.
 - 5. All accessory structures, with the exception of gazebos and decks, shall only be located to the rear of the primary structure except in the case of corner or through lots; in which case, the structures may be placed to the side of the primary structure. In no case may any accessory structure be located closer to the front property line than the setback provided by the primary structure.
- F. Accessory structures and uses permitted as conditional uses are specified for each zoning district in Article 3 of this Ordinance.

AS-02: Accessory Dwellings (Garage Quarters/ Guest Houses/ Caretaker Houses/ Mother-In-Law Suites):

Accessory dwellings are permitted as conditional use within the principle dwelling or as a free standing dwelling in the following zoning districts: **AG, ER, and RS-180.**

- A. Accessory dwellings shall include basement quarters, garage quarters, caretaker or

other employee quarters, guest houses, mother-in-law suites, and other accessory dwellings as determined by the Zoning Administrator.

- B. Accessory dwellings contained within a principle dwelling shall comply with the following standards:
1. There shall be no more than 1 accessory dwelling in a principle dwelling unit.
 2. The accessory dwelling shall not have the only single access point being from a separate exterior entrance.
 3. One additional parking space shall be provided to serve the accessory dwelling.
 4. The accessory dwelling shall comply with all building and health code standards.
- C. Freestanding accessory dwellings shall comply with the following standards:
1. There shall be no more than 1 accessory dwelling per residential lot.
 2. The accessory dwelling may be located in a second floor over a detached garage or may be a separate structure.
 3. The accessory dwelling shall be located only within the rear yard.
 4. The accessory structures shall comply with the minimum setbacks set forth within Article 3.
 5. The residential lot shall comply with the minimum lot area standards set forth within Article 3, except that in no case shall an accessory dwelling be located on a lot having less than 12,000 square feet of lot area.
 6. One additional parking space shall be provided to serve the accessory dwelling.

AS-03: Outdoor Storage:

Outdoor storage shall be permitted as an accessory use within the following zoning districts: **LI** and **HI**.

- A. Outdoor storage shall be permitted as an accessory use subject to the following requirements:
1. In the LI, Light Industrial and HI, Heavy Industrial districts outdoor storage shall be limited as follows:
 - a. LI - outdoor storage shall be limited to finished products; and
 - b. HI - outdoor storage of finished products and materials used in production shall be permitted.
 2. Outdoor storage of vehicles being stored at auto repair facilities and junk yards shall be consistent with Article, 6.32, Parking Standards (PK).
 3. Outdoor storage shall be located within the rear or side yard.
 4. Outdoor storage shall be fully concealed with a solid fence, in addition to any buffer requirements set forth in this Article.
 5. Items stored behind the fully concealed fence may not protrude over the height of the fence.
 6. Outside storage of parts and materials, service areas, refuse, or work activity areas shall be maintained in a neat and orderly manner.

AS-04: Swimming Pools and Pool Enclosures:

Swimming pools and pool enclosures shall be permitted as an accessory use within the following zoning districts: **AG, ER, RS-180, RS-110, RG-75, RM, MMX, RMH, NMX, RMX, and PUD**.

All accessory swimming pools shall meet the requirements of the adopted Building Code for the State of Georgia.

AS-05: Recreational Vehicle Standards:

This Recreational Vehicle Standards section applies to all zoning districts.

One recreational vehicle owned by the residents may be stored on their individual lot within the confines of the rear yard and shall further follow the requirements of this Article applicable to accessory buildings, insofar as distances from principal structures, lot lines and easements are concerned. All recreational equipment parked or stored shall not be connected to sanitary facilities and shall not be occupied. In those instances where the rear yard is not accessible by means of a driveway, alley or has insufficient side yard clearance for the passage of a recreational vehicle, the recreational vehicle may be parked in the front yard. In those instances where a recreational vehicle is to be parked or stored in a front yard, only the driveway portion of such yard shall be utilized and in no instance shall the recreational vehicle be parked closer than ten (10) feet to the front property line.

AS-06: Trash Refuse Standards:

This Trash Refuse Standards section applies to all districts.

All trash refuse areas and dumpsters located in Clayton County shall be consistent with the following minimum standards and requirements:

1. Permanent trash refuse areas and dumpsters shall be located on a cement pad.
2. Permanent trash refuse areas and dumpster shall be located within the rear of the primary structure except in the case of corner or through lots; in which case, the structures may be placed to the side of the primary structure or out of visible sight from any roadway.
3. Permanent trash refuse areas and dumpsters shall be one hundred (100) percent opaquely screened on three (3) sides with building materials similar to those located upon the exterior wall elevations.
4. Permanent trash refuse areas and dumpsters shall not be located within any required landscape areas, required buffers, required parking areas, or required loading areas.

Home Occupation Standards (HO)

6.10 Home Occupation Standards (HO)

HO-01: This Home Occupation Standards section applies to all districts.

Home occupations shall be allowed as either permitted uses or conditional uses consistent with the provisions of Article 3 of this Ordinance. The allowed home occupations are classified as either a Type I Home Occupation or a Type II Home Occupation as defined below.

- A. **Type I Home Occupations:** Type I Home Occupations are those which meet the following standards; representing requirements which permit minimal business practices in certain residential zoning districts while maintaining residential character. Type I home occupations shall be permitted uses, consistent with the Accessory Use & Structure Standards of this Article and the provisions of Article 3 of this Ordinance.
 1. The home occupation must not involve retail sales or manufacturing, and shall be limited to small home-office operations.
 2. The home occupation must not involve the employment of any person other than those residing at the location of the home occupation.

3. At least one (1) person residing on the premises must be the primary operator of the home occupation.
 4. The equipment used for the home occupation must be limited to computers, fax machines, telephones, copy machines, and other small business office equipment.
 5. The home occupation must not involve any exterior storage or display of products, equipment or materials.
 6. The home occupation must not make any use of accessory structures, including attached and detached garages.
 7. The home occupation must utilize no more than twenty-five (25) percent of the total floor area of the primary structure.
 8. The home occupation must not require any exterior, structural or aesthetic alterations to the dwelling unit that change the residential character of the dwelling unit.
 9. The home occupation must not require any additional entrances to the dwelling unit.
 10. The home occupation must not require signs other than a sign, attached to the primary structure, not exceeding 2 square feet, as authorized within Article 8, Sign Standards (SS). No off-site signs or signs in the yard of the property shall be permitted.
 11. The home occupation must not require increasing or enhancing the size, capacity, or flow of the water, gas, septic, sewer, or electrical system beyond what is standard for a residence.
 12. The home occupation must not involve clients, associates, or persons visiting, shopping, meeting, or otherwise doing business at the location of the home occupation, and therefore not require the addition of any off-street parking spaces.
 13. The home occupation must not require the use of commercial vehicles for pickup and deliveries other than from the U.S. Postal Service, UPS, and other express couriers.
- B. **Type II Home Occupations:** Type II Home Occupations are those which meet the following standards, and the representing requirements permit reasonable business practices in certain residential and agricultural zoning districts while maintaining residential and rural character and the viability of farming operations. Type II home occupations shall be conditional uses, consistent with the Accessory Use & Structure Standards of this Article and the provisions of Article 3 of this Ordinance.
1. The home occupation must not involve retail sales or manufacturing operations, but may include professional and personal services, or auto, furniture, and appliance repair.
 2. The home occupation must not involve the employment of any more than one (1) person who does not reside at the location of the home occupation.
 3. At least one (1) member residing on the premises must be the primary operator of the business.
 4. The home occupation must not require any exterior storage or display of equipment or materials, including vehicles (operable or inoperable), equipment, or appliances being serviced by the home occupation.
 5. No more than forty (40) percent of the total floor area of any level of the primary structure shall be used for the home occupation.
 6. Business practices in accessory structures are not permitted.
 7. The home occupation shall not require any exterior structural or aesthetic alterations to the dwelling unit that change the residential character of the dwelling unit.

8. The home occupation must not require any signs other than a sign, attached to the primary structure, not exceeding 2 square feet, as authorized within Article 8, Sign Standards (SS). No off-site signs or signs in the yard of the property shall be permitted.
9. The home occupation must not require increasing or enhancing the size, capacity, or flow of the water, gas, septic, sewer, or electrical system beyond what is standard for a residence.
10. The home occupation must not require that more than two additional parking spaces be added to the lot(s) on which the residence is located.
11. The home occupation must not require the use of commercial vehicles for pickup and deliveries other than from the U.S. Postal Service, UPS, and other express carriers.

Day Care Homes & Centers (DCF)

6.11 Day Care Homes & Centers Standards (DCF)

DCF-01: This Family Day Care Home Standards section applies to all districts.

Each family day care home shall be subject to the following requirements, when located within a residential zoning district or residential dwelling:

- A. All regulated facilities shall comply with the State regulation and acquire applicable State licenses for operation.
- B. All facilities shall comply with the adopted Building Code for the State of Georgia.
- C. Each family day care home shall provide not less than thirty-five (35) square feet of indoor play area for each child, based on maximum permissible enrollment.
- D. Each family day care home shall provide not less than two hundred (200) square feet of outdoor play area for each child, based on maximum permissible enrollment.
- E. All required outdoor play/ recreation areas shall be enclosed by a fence or wall not less than four (4) feet in height.
- F. The exterior appearance of any residential structure for which a family day care home is approved, shall be maintained as a residential structure and no signs other than a sign, attached to the primary structure, not exceeding 2 square feet, as authorized within Article 8, Sign Standards (SS), shall be erected, and no cut-outs, animals characters, or other graphics shall be affixed to the exterior of the structure or displayed upon the premises.
- G. No family day care home shall be located within one thousand five hundred (1,500) feet of another day care facility.
- H. All facilities must register with the Department of Community Development and provide a copy of all State licenses and documentation.
- I. All facilities must apply for and receive a Clayton County Business License.

DCF-02: This Group Day Care Home Standards section applies to all districts.

Each group day care home shall be subject to the following requirements, when located within a residential zoning district or residential dwelling:

- A. All regulated facilities shall comply with the State regulation and acquire applicable State licenses for operation.
- B. All facilities shall comply with the adopted Building Code for the State of Georgia.
- C. Each child day care facility shall provide not less than thirty-five (35) square feet of indoor play area for each child, based on maximum permissible enrollment.
- D. Each child day care facility shall provide not less than two hundred (200) square feet of outdoor play area for each child, based on maximum permissible enrollment.
- E. All required outdoor play/ recreation areas shall be enclosed by a fence or wall not less than four (4) feet in height.
- F. The exterior appearance of any residential structure for which a family day care facility is approved, shall be maintained as a residential structure and no signs other than a sign, attached to the primary structure, not exceeding 2 square feet, as authorized within Article 8, Sign Standards (SS), shall be erected, and no cut-outs, animals characters, or other graphics shall be affixed to the exterior of the structure or displayed upon the premises.
- G. No day care facility shall be located within one thousand five hundred (1,500) feet of another day care facility.
- H. All facilities must register with the Department of Community Development and provide a copy of all State licenses and documentation.
- I. All facilities must apply for and receive a Clayton County Business License.

DCF-03: These Day Care Center Standards section applies to all districts.

Each day care center shall be subject to the following requirements when located within a commercial building or commercial zoning district:

- A. All regulated facilities shall comply with the State regulation and acquire applicable State licenses for operation.
- B. Each child day care facility shall provide not less than thirty-five (35) square feet of indoor play area for each child, based on maximum permissible enrollment.
- C. Each child day care facility shall provide not less than two hundred (200) square feet of outdoor play area for each child, based on maximum permissible enrollment.

Personal Care Homes, Boarding Homes, and Group Homes (PCH)

6.12 Personal Care Home, Boarding Home, and Group Home Standards (PCH)

PCH-01: This Personal Care Home, Boarding Home, and Group Home Standards section applies to all districts.

Each personal care home, boarding home, and group home having six (6) or more persons shall be subject to the following requirements:

- A. All regulated facilities shall comply with the State regulation and acquire applicable State licenses for operation.
- B. All facilities must register with the Department of Community Development and provide a copy of all State licenses and documentation.
- C. The exterior appearance of any residential structure for which a personal care home, boarding home, or group home is approved, shall be maintained as a residential structure and no signs other than a sign, attached to the primary structure, not exceeding 2 square feet, as authorized within Article 8, Sign Standards (SS), shall be erected.
- D. Meet all regulations as identified in the adopted building code and adopted fire code.
- E. Meet all parking standards as identified within Article 6.32, Parking Standards (PK).
- F. All facilities must apply for and receive a Clayton County Business License.

Places of Worship, Theaters, and Amphitheaters (POW)

6.13 Places of Worship, Theater, and Amphitheater Standards (POW)

POW-01: This Places of Worship, Theater, and Amphitheater Standards section applies to all districts.

The following shall apply to places of worship, convents and monasteries, theaters, amphitheaters, public parks, playgrounds, and recreation centers, and other related uses:

- A. Any building or structure established in connection with places of worship, monasteries or convents, theaters, amphitheaters, and other related uses shall be located at least fifty (50) feet from any property line
- B. A twenty-five (25) feet wide landscaped buffer in accordance with Buffer Yard, Type 3, as identified within Article 6.35, Buffer Yard Standards, shall be planted along the side and rear property lines when located one hundred (100) feet or less to any property line of a residential zoned lot or lot containing a residential dwelling.
- C. Places of worship, convents and monasteries, theaters, amphitheaters, and other related uses, in residential districts shall be located on a minimum lot area of five (5) acres and shall have frontage of at least two hundred (200) feet along a public street.
- D. Places of worship, convents and monasteries, theaters, amphitheaters, and other related uses in residential districts shall be located on a major thoroughfare having a street classification of at least that of a collector street.

- E. Meet all commercial building regulations as identified in the adopted building code and all adopted fire codes.
- F. Meet all parking standards as identified within Article 6.32, Parking Standards (PK).
- F. The establishment of sites and tents for temporary religious meetings, theaters, amphitheaters, requires the granting of a special building permit from the Department of Community Development. Such sites may not be used for a purpose covered by this Article for a cumulative period of more than fourteen (14) days during any calendar year.

Parochial and Private Schools (PPP)

6.14 Parochial and Private School Standards (PPP)

PPP-01: This Parochial and Private School Standards section applies to all districts.

The following shall apply to parochial and private schools and colleges, including dormitories, convents, and monasteries when these facilities are located on the same property of the parochial or private school or college.

- A. Any such facility shall be located on a lot having a minimum of two hundred (200) feet of continuous frontage on a major thoroughfare having a street classification of at least that of a collector street.
- B. The minimum site area shall be three (3) acres.

Adult Oriented Uses Standards (AU)

6.15 Adult Oriented Uses Standards (AU)

AU-01: This Adult Orientated Uses Standards section applies to the following districts: HI.

Standards for adult oriented uses are found in Clayton County's Adult Oriented Business Ordinance.

Automobile and Recreational Vehicle Sales (AV)

6.16 Automobile and Recreational Vehicle Sales Uses Standards (AV)

AV-01: This Automobile and Recreational Vehicle Sale Standards section applies to the following districts: GB, LI, and HI.

- A. The site design standards for automobile and recreational vehicle (new and used vehicles) sales are as follows:
 1. The minimum lot size for any automobile and recreational vehicle sales establishment is two (2) acres.
 2. The minimum public road frontage for any automobile and recreational vehicle sales establishment is two hundred (200) feet.

Salvage Yard or Junk Yard (SY)

6.17 Salvage Yard and Junk Yard Uses Standards (SY)

SY-01: This Salvage Yard and Junk Yard Standards section applies to the following districts: LI and HI.

- A. The site design standards for salvage yards and junk yards are as follows:
1. Salvage yards and junk yards shall be setback a minimum of five hundred (500) feet from residentially zoned property.
 2. A solid wall or fence that is a minimum of six (6) feet in height and a maximum of eight (8) feet in height shall be erected around any outdoor storage areas. In addition, the solid wall or fence shall be setback a minimum of 50 feet from all property lines.
 3. The storage of salvaged or junk materials shall not exceed the height of the fence or wall.
 4. The storage of salvaged or junk materials shall not be located outside of the fence or wall.

Landfills (LF)

6.18 Municipal Solid Waste Landfills, Inert Landfills, Construction and Demolition Landfills, and Solid Waste Collection and Recycling Center Standards (SL)

LF-01: This Municipal Solid Waste Landfills, Inert Landfills, Construction and Demolition Landfills, and Solid Waste Collection and Recycling Center Standards section applies to the following districts: AG and HI.

- A. The subject site must have a valid solid waste handling permit issued by the Georgia Environmental Protection Division (EPD).
- B. Soils, groundwater, floodplains, and other natural resources shall not be negatively impacted by the municipal solid waste landfills, inert landfills, construction and demolition landfills, and solid waste collection and recycling center.
- C. The site design standards required for a municipal solid waste landfill, inert landfills, construction and demolition landfill, and solid waste collection are as follows:
1. Municipal solid waste landfills, inert landfills, construction and demolition landfills, and solid waste collection and recycling centers shall be setback a minimum of 1,000 feet from residentially zoned property.
 2. A solid wall or solid fence that is a minimum of six (6) feet in height shall be erected around the entire perimeter
- D. Sanitary landfills are allowed as a conditional use in the Agricultural Zoning District provided the following conditions are met:
1. They are located, constructed and operated in conformance with the standards set forth by Georgia EPD;
 2. Plans are submitted to and approved by the Board of Commissioners at the time of the application for rezoning, showing a comprehensive plan

and timetable for the reuse of the property at the cessation of the landfill operation.

- E. Recycling centers are allowed as a conditional use in the Heavy Industrial District provided the following conditions are met:
1. Recycling centers shall be setback a minimum of six hundred (600) feet from residentially zoned property.
 2. Recycling centers must be located upon two (2) or more acres.
 3. A solid wall or solid fence, which is a minimum of six (6) feet in height shall be erected around the entire perimeter

Mining and Mineral Extraction Standards (ME)

6.19 Mining and Mineral Extraction Standards (ME)

ME-01: This Mining and Mineral Extraction Standards section applies to the following district: HI

Extraction of natural resources, including the removal of minerals, together with the necessary buildings and machinery will be allowed as a conditional use in the Heavy Industrial Zoning District provided that:

1. The subject site must have a valid permit issued by the Georgia Environmental Protection Division (EPD) for extraction operations.
2. Soils, groundwater, floodplains, and other natural resources shall not be negatively impacted.
3. Any extension of quarrying operations beyond the limits actually being quarried at the effective date of this ordinance shall be considered as a new operation and shall be subject to requirements herein;
4. Quarry areas being excavated shall be entirely enclosed within a fence located at least ten feet back from the edge of any excavation and of such construction and height as to be demonstrably able to exclude children and animals from entry; and
5. At the time of the application for the conditional use permit, the owners or operators of the quarry shall present to the Board of Commissioners a comprehensive plan for the reuse of the property at the cessation of the quarry operation.

Kennel Standards (KS)

6.20 Kennel Standards (TF)

KS-01: This Kennel Standards section applies to the following district: AG.

Kennels and similar operations are allowed as a conditional use in the Agricultural zoning district, provided that the parcel of land has a minimum of three (3) acres and no portion of a building, pen, or structure used to contain animals shall be located closer than two hundred (200) feet to any property line. The facility must meet all State regulations, O.C.G.A. § 4-11-3.

Cemetery Standards (CS)

6.21 Cemetery Standards (CS)

**CS-01: This Cemetery Standards section applies to the following district:
AG.**

Cemeteries will be allowed as a conditional use in the Agricultural Zoning District provided that they are not less than five (5) acres in area. The facility must meet all State regulations, O.C.G.A. § 10-14-10.

Temporary Sawmill Standards (TS)

6.22 Temporary Sawmill Standards (TS)

TS-01: This Temporary Sawmill Standards section applies to the following district: AG

Temporary sawmills for the cutting of timber will be allowed as a conditional use in the Agricultural Zoning District provided that no machine operation is located closer than two hundred (200) feet to a property line.

Airport and Heliport Standards (AH)

6.23 Airport and Heliport Standards (AH)

AH-01: This Airport and Heliport Standards section applies to the following district: AG.

Private airport, heliport, and helicopter stop facilities will be allowed as a conditional use in the Agricultural Zoning district provided that the minimum site area shall be five (5) acres, and there shall be an undisturbed buffer area of not less than two hundred (200) feet provided along all property lines which abut property with a residential zoning classification, or property with any other zoning classification which is developed with a structure or other improved facility.

Truck Terminal Standards (TT)

6.24 Truck Terminal Standards (TT)

TT-01: This Truck Terminals Standards section applies to the following districts: LI and HI.

All truck terminals shall be constructed as follows:

- A. Class "A" materials, as defined in Article 6.8, Architectural & Appearance Standards for Commercial and Industrial Buildings and Structures, on each building wall.
- B. Breaks, of at least sixteen (16) inches in depth, in the front building wall no less than every forty (40) feet.
- C. Minimum office space of twenty (20) percent for the total non-repair-use structures.

- D. Truck courts, trucks, and trailers must be located behind a fence or masonry wall no less than eight (8) feet in height. The fence may not encroach into the front yard area past the front edge of the building. In addition, trucks and trailers must be parked in an orderly fashion and on surfaces paved with asphalt or concrete.
- E. Any truck repair must be performed inside an enclosed building.
- F. Each site shall have a landscaped buffer of fifty (50) feet in width along any right-of-way.

Recreational Vehicle Parks (RV)

6.25 Recreational Vehicle Parks (RV)

RV-01: This Recreational Vehicle Parks Standards section applies to the following district: AG.

Campgrounds for recreational vehicles, campers, or motor coaches are allowed as conditional uses in the Agricultural Zoning District, provided that the following requirements are met:

1. Adequate water and sewerage facilities shall be provided.
2. No such park shall be located except with direct access to a county, state or federal highway and having a minimum of three hundred (300) feet of frontage thereon to permit adequate design of entrances and exits.
3. The minimum area for such park shall be ten (10) acres, and maximum density within any park shall be eight (8) units per gross acre.
4. The condition of the soil, groundwater level, drainage and topography shall not create hazards to the property or the health or safety of the occupants. The site shall not be exposed to objectionable smoke, noise, odors or other adverse influences, and no portion subject to unpredictable and/or sudden flooding, subsidence or erosion shall be used for any purpose which would expose persons or property to hazards.
5. Spaces in such parks may be used by motor coaches, travel trailers, equivalent facilities constructed in or on automotive vehicles, tents or other short-term housing or shelter arrangements or devices.
6. Management headquarters, recreational facilities, showers, coin-operated laundry facilities, and other uses and structures customarily incidental to the operation of a recreational vehicle park are permitted as an accessory use in any district in which recreational vehicle parks are allowed provided:
 - a. Such establishments and the parking areas primarily related to their operations shall not occupy more than ten percent of the area of the park.
 - b. Such establishments shall be restricted in their use to occupants of the park.
 - c. Such establishments shall present no visible evidence of their commercial character which would attract customers other than occupants of the park.
7. In addition to yard requirements, the following limitations shall apply with respect to such parks. No space shall be located so that any part intended for occupancy for sleeping purposes shall be within fifty (50) feet of the right-of-way line of any county street or state or federal highway.
8. RV Parks shall comply with all applicable regulations including, state, County, and Health Department Guidelines.

Performance Standards (PS)

6.26 Performance Standards (PS)

PS-01: This Performance Standards section applies to all districts.

All uses begun after the effective date of this ordinance should comply with the following general performance standards in the interests of protecting public health, safety, and general welfare and lessening damage to property. No use on a property should exhibit obnoxious characteristics to the extent that it constitutes a public nuisance or interferes with reasonable enjoyment of neighboring properties. No use in existence on the effective date of this ordinance should be altered or modified to conflict with these standards.

- A. **Air Pollution:** No use on a property should release fly ash, dust, smoke, vapors, noxious, toxic or corrosive matter or other air pollutants in such concentration as to be detrimental to health, animals, vegetation or property, or violate public air quality standards.
- B. **Electrical Disturbance:** No use on a property should cause electrical disturbance adversely affecting radio, television or other equipment in the vicinity.
- C. **Fire Protection:** Fire fighting equipment and prevention measures acceptable to the local Fire Departments should be readily available and apparent when any activity involving the handling and storage of flammable or explosive materials is conducted.
- D. **Noise:** No use on a property should produce noise in such a manner as to be objectionable because of volume, frequency, intermittence, beat, shrillness, or vibration. Such noise should be muffled or otherwise controlled so as not to become detrimental. Public safety sirens and related apparatus used solely for public purposes shall be exempt from this standard.
- E. **Odor:** No use on a property should emit across lot lines any gas or matter with a bad odor in such quantity as to be readily detectable at any point along such lines.
- F. **Vibration:** No use on a property should cause vibrations detectable beyond lot lines without the aid of instruments.
- G. **Heat and Glare:** No use on a property should produce heat and glare in such a manner as to create interference with the reasonable enjoyment of neighboring property, or the safety of transportation routes.
- H. **Waste Matter:** No use on a property should accumulate within the lot or discharge waste matter beyond the lot lines.
- I. **Water Pollution:** No use on a property should produce erosion or other pollutants in such a quantity as to be detrimental to adjacent properties or to conflict with public water quality standards.
- J. **Traffic:** No use on a property should cause excessive vehicular traffic on adjoining roads.
- K. **Maintenance on Private Property:** Every person or entity owning or occupying improved or unimproved property within the County shall at all times maintain such property in a clean and sanitary condition which shall include, but not be limited to, keeping the property free from all waste, litter, trash, dead animals and rubbish of every nature and kind. In order to prevent the property from becoming a breeding ground for vermin and other types of pests the property shall also be kept free of weeds, underbrush and high grass more than eight (8) inches in height.
- L. **Maintenance on Sidewalks:** The occupant of any building and the owner of any lot shall keep the sidewalks adjacent to such building or lot clean of such refuse, rubbish, dead animals, weeds, underbrush and high grass, etc., as specified more completely in Article 6.26 (L), above. As used in this section, "sidewalk" shall include all the

ground, whether paved or not, between the property line and back of curb or edge of pavement if no curb exists.

Sight Visibility Standards (SV)

6.27 Sight Visibility Standards (SV)

SV-01: This Sight Visibility Standards section applies to all districts.

The intent of Sight Visibility Standards is to provide for a safe vehicular and pedestrian transportation system. The visibility at intersections, driveways, curb cuts, and entrances are particularly important for the safe movement of vehicles and pedestrians.

- A. All intersections must meet American Association of State of Highway Transportation Officials Sight Distance Requirements as described within the Department of Transportation and Developments Land Disturbance and Right-of Way Construction Guidelines.

Public Improvement Standards (PI)

6.28 Public Improvement Standards (PI)

PI-01: This public Improvement Standards section applies to all districts.

- A. **General Requirements:** Developments are permitted only if the public streets, drainage facilities, and utilities are adequate to serve the proposed development.
1. The Department of Transportation and Development shall make determinations as to needed street and utility improvements.
 2. The Clayton County Water Authority shall make determinations as to needed drainage and utility, including water and sewer, improvements.
 3. All public improvements must be constructed to comply with all applicable standards included in this Ordinance, the Clayton County Subdivision Ordinance, any other adopted engineering and/ or construction standards of Clayton County and State law.
- B. **Sidewalks:** All developments, except those located within the Agricultural (AG) zoning district, shall be required to install public sidewalks along any public streets within and adjacent to the development.
1. All sidewalks shall be constructed in the right-of-way or in a sidewalk easement adjacent to the right-of-way as required by the Department of Transportation and Development.
 2. Sidewalks shall be a minimum of five (5) feet in width in residential areas and six (6) feet width in nonresidential areas, and constructed of concrete consistent with all applicable Clayton County construction standards.
 3. Sidewalks shall connect to adjacent developments to create uninterrupted pedestrian walkways.
- C. **Internal Pedestrian Pathways:** All developments shall be required to install designated walks or paths providing for pedestrian and bicycle movement between public sidewalks and the structures on the site.
1. These designated pedestrian pathways shall be a minimum of eight (8) feet in width and include an improved surface of asphalt.
 2. Designated walks shall be separated by grade or distance from entrance drives and internal traffic aisles and drives.

- D. **Street Construction:** Roadways shall be constructed in accordance with the guidelines of the Clayton County Department of Transportation and Development.
- E. **Street Trees:** All developments shall be required to provide street trees within the private property along the right-of-way, outside of the clear zone as delineated within the Department of Transportation and Development's Land Disturbance and Right-of-way Construction Guidelines.
 - 1. One street tree shall be planted for every forty (40) feet of road frontage.
 - 2. All street trees shall be a minimum of two and one half (2-1/2) inch caliper as measured consistent with the American Nursery Standards Institute (ANSI) at the time of planting and shall be of a species listed as an approved street tree in Article 6.15 of the Subdivision Ordinance.
 - 3. No tree shall be planted within ten (10) feet of any fire hydrant or five (5) lateral feet of any underground utility service.
- F. **Maintenance on Sidewalks:** The occupant of any building and the owner of any lot shall keep the sidewalks adjacent to such building or lot clean of such refuse, rubbish, dead animals, weeds, underbrush and high grass, etc., as specified more completely in Article 6.26 (L), Performance Standards. As used in this section, "sidewalk" shall include all the ground, whether paved or not, between the property line and the back of curb or edge of pavement if no curb exists.
- G. **Storm water:** Storm water drainage systems in developments shall be in accordance with the requirement of the Clayton County Water Authority and not result in any additional run-off being transferred to adjacent properties other than through proper easements established for that purpose.
- H. **Water and Sewer:** The size of all water and sewer mains shall be in accordance with the requirements of the Water Authority.
- I. **Fire Protection:** Fire hydrants and other fire fighting infrastructure shall be installed in accordance with the requirements of the Clayton County Fire Department.
- J. **Easements:** No structure with the exception of fences may be located in, or otherwise obstruct any easement. Fences shall be permitted within easements subject to the receipt of written permission from the easement holder. Approval of the Zoning Administrator and applicable County Department shall be required for all fences proposed for placement in easements which are held by Clayton County.

Mobile Home Standards (MS)

6.29 Mobile Home Standards (MS)

MS: This Mobile Home Standards section applies to the following district:
RMH.

- A. A site plan shall be submitted to and approved by the Department of Community Development prior to any development or expansion of a mobile home park. No mobile homes shall be placed in the new area of an existing park or a new park until the final site plan is approved.
- B. The minimum space limits and setback requirements shall be as set forth in Article 3 of this Ordinance.
- C. The maximum overall mobile home park density shall not exceed five (5) units per gross acre.
- D. No additions shall be made to a mobile home park or mobile home that will violate setback requirements.

- E. Each mobile home unit shall be installed on a concrete block foundation, of which the base block shall be solid and equal in size to the pier block size, which is a minimum of eight (8) inches by eight (8) inches by sixteen (16) inches. Top course of said parts of foundation shall be a solid cap block with a minimum dimension of four (4) inches by eight (8) inches by sixteen (16) inches. The mobile home unit shall be installed true and plumb. The tongue and wheels shall be removed and an approved permanent skirting shall be installed.
- F. Each mobile home in a mobile home park shall be provided with safety tie-downs in conformance with Clayton County building code requirements.
- G. All streets and driveways within the mobile home park shall be lighted between sunset and sunrise with electric lights emitting light at an intensity of at least 5,000 lumens, and the light poles shall be no more than 250 feet apart.
- H. All streets and driveways shall be properly designed and shall have a minimum pavement width of twenty-four (24) feet as approved by the Department of Transportation and Development.
- I. An adequate supply of pure, potable water for drinking and domestic purposes shall be supplied by pipes to all buildings and mobile home spaces within the park. Each mobile home stand shall be provided with an approved cold water connection and a tap (hydrant) constructed in accordance with the plumbing standards adopted by Clayton County, Georgia.
- J. The area around and underneath each mobile home unit shall be kept clean and free from collection of refuse, rubbish, glass bottles or other unsightly material.
- K. Refuse control shall be provided by either of the following methods:
 - 1. Centrally located trash collection stations shall be provided for each twenty (20) mobile home spaces, or fraction thereof, conveniently located to serve tenants, not more than two hundred (200) feet from any space served, and shall be conveniently located for collection. Such station shall be constructed with a concrete floor and appropriate enclosure as stated in Article 6.9, Accessory Structures.
 - 2. A centrally located trash compactor.
- L. No mobile home park shall be served by a privy.
- M. Every mobile home park shall be equipped at all times with fire equipment in good working order and of such type, size, number and location as to satisfy applicable fire regulations of Clayton County; provided further, that no open fires or burning of leaves or other refuse shall be permitted within the boundaries of any mobile home park.
- N. A minimum of fifteen (15) percent of the gross acreage of the mobile home park shall be set aside for the recreational use by residents of the mobile home park. Said recreational park shall be one contiguous tract or several tracts each no smaller than one-half acre and located within the mobile home park in such a manner as to be convenient to all its residents. The recreational park shall be located on land suitable for park development and shall contain a sufficient amount of play equipment designed for elementary-school-age children.
- O. Planted buffers shall be required per Article 6.35, Buffer Yard Standards.
- P. Coin-operated laundries for the use of the residents of the mobile home park shall be permitted within enclosed buildings inside the park. Building structures containing said laundries may also contain vending machines and recreational rooms and activities.
- Q. The regulations governing mobile home parks prescribed by the health department, as well as other county or state regulations, shall be complied with.
- R. Each mobile home space shall have the following:

1. A concrete patio at least four inches thick with minimum dimensions of 40 feet by eight feet within each trailer space; or
2. A wooden deck built to Clayton County specifications and having a surface area of at least 320 square feet; or
3. A combination of a concrete patio at least four inches thick and a wooden deck built to Clayton County specifications, provided the combined surface area (excluding steps) is at least 320 square feet.

Fence & Wall Standards (FW)

6.30 Fence & Wall Standards (FW)

FW-01: This Fence & Wall Standards section applies to all districts.

A. Fences and walls shall be permitted in all zoning districts with the issuance of a permit subject to conformance with the following requirements:

1. **Height and location requirements:** All fences and wall shall be erected in compliance with the following table:

Type of Fence or Wall	Maximum Height (feet)		
	Front	Side	Rear
Chain-link fence	N/A	6	6
Living fence	-	-	-
Ornamental fence	4	6	6
Privacy fence	N/A	6	6
Rail fence	4	5	5
Industrial fence	N/A	8	8
Decorative wall	2	4	4
Obscuring wall	N/A	6	6

2. All required setbacks for fences and walls shall be measured from the property line or existing street right-of-way line. Height of such fences or walls shall be measured from the grade level to the highest point of the fence or wall.
3. All fences and walls located within the front yard shall be less than four (4) feet in height.
4. All fences and walls, including, but not limited to posts, foundations, and overhanging elements, shall be located completely within the limits of the lot to which they are associated. Fences and walls located within required side and rear yards may be erected on the property line with the submission of written consent from all adjacent property owners or a certified survey verifying the location of lot boundaries.
5. All fences and walls may be permitted up to any property line that is not also a right-of-way line. All fences and walls shall be setback a minimum of two (2) feet from all adjacent rights-of-way or clear zone, as designated within the Department of Transportation and Development's Land Disturbance and Right-of-way Construction Guidelines, whichever is greater.
6. Fences that have one finished or decorative side shall be oriented with the finished or decorative side facing outward towards adjacent parcels and away from the interior of the lot to which the fence is associated. Masonry walls shall be finished in a similar manner on all sides.

7. No fence or wall may be placed in any right-of-way or any required sight clear zone, as defined within Article 6.27, Sight Visibility Standards.
 8. No fence or wall may be placed in any drainage, utility, sidewalk, landscaping, access or other easement without written permission from the easement holder.
 9. No fence or wall may be placed in any required buffer zone that does not specifically provide for the inclusion of fences.
 10. On residential corner lots, a chain link fence or privacy fence up to six (6) feet in height is permitted within a front yard of a side street provided the residences on the adjacent lot and opposing lot do not front on such side street. Such chain link fence or privacy fence shall not extend beyond the front building line into the front yard of the street that the front of the dwelling faces.
 11. On nonresidential lots, a privacy fence or an obscuring wall up to six (6) feet in height shall be permitted within a front yard only where necessary for buffering from adjacent uses and approved on a site plan by the Zoning Administrator.
- B. Fences specifically required by this Ordinance for screening, swimming pools, telecommunications facilities, or other purposes may exceed the maximum heights established by this section in a manner consistent with the specific requirements of this Ordinance.
- C. The height of a fence shall be determined by measuring from the highest grade to the highest point of the fence, including any posts or finials.
- D. The following fences and walls are prohibited within Clayton County:
1. Barbed-wire, razor-wire, or electrified fences, except where, for the purpose of ensuring public safety, the Board of Zoning Appeals may grant approval for installation.
 2. Wire fences, except where such fences are located on parcels used for agricultural purposes and not less than three (3) acres in size with a minimum road frontage of 200 feet.
 3. Any fence or wall unlawfully installed, erected or maintained.
- E. **Permits required:** A fence permit shall be required for all work performed in association with the construction, alteration, or relocation of a fence or wall, except where otherwise specified herein.
1. Fences and walls for which a fence permit is not required:
 - a. Repairs: Repairs to an existing fence or wall with no structural changes.
 - b. Replacement: Replacement of an existing fence with a new fence that is the same type, and height and in the same location as the existing fence; provided the replacement fence is otherwise in full compliance with this ordinance.
 - c. Gates: The installation of gates of up to eight feet in width in an existing fence or wall with no structural changes.
 - d. Fences associated with active farms: Wire or wood fences associated with an active farm on parcels of not less than three (3) acres in size with a minimum road frontage of 200 feet.
 - e. Living fences: Planting of continuous hedgerows or similar landscape features.
- F. **Permit application:** Applications for fence permits shall be made upon forms provided by the Community Development Department. The following information shall be provided with the application:
1. A plot plan or lot survey shall be provided that includes the location of all existing and proposed fences, walls, structures, easements and setback dimensions. A detail of the proposed fence or wall with all appropriate dimensions shall also be provided.

2. Written consent of all adjacent property owners, or a certified survey verifying the location of lot boundaries, if a fence or wall is proposed to be erected or installed on a property line.
 3. Other information that the Zoning Administrator may require to show full compliance with this ordinance.
- G. **Legal nonconforming fences and walls:** All existing legal nonconforming fences or walls shall be permitted to continue as such until removed, extended or altered, at which time such fences or walls shall be made to conform to the provisions of this Article.
- H. **Removal of illegal or damaged fences or walls:** Damaged or illegal fences or walls shall be immediately repaired, replaced, or removed by the owner, agent or person having the beneficial use of the building or structure upon which said fence or wall shall be found. Upon identification of a damaged or illegal fence or wall, the Zoning Administrator or his designee shall order the property owner via citation or letter to remove or make repairs within ten (10) business days. If the damaged fence or wall is not removed or repaired as ordered within forty-five (45) calendar days, the Board of Commissioners may authorize the County Attorney to pursue court approval for the removal or repair at the expense of the property owner. All expenses related to the removal or repair shall be placed upon the tax roll for the property to which the fence is associated unless immediately reimbursed by the property owner.

Large-Scale Retail Standards (LR)

6.31 Large-Scale Retail Standards (LR)

LR-01: This Large-Scale Retail Facility Standards section applies to all districts.

This section shall apply to all retail development which includes one or more structures which individually exceed 25,000 square feet in gross floor area. The purpose of these standards is to provide additional design criteria for large-scale retail facilities to ensure safe and efficient vehicle and pedestrian circulation, and protect the general welfare of the community by ensuring that such facilities are consistent in design with, and complimentary to, adjacent land uses and the physical characteristics of Clayton County.

- A. **Architectural Design Standards:** The architectural design of the structure shall meet the following requirements:
1. **Facades and Exterior Walls:** Facades and exterior walls shall generally be articulated to visually reduce the scale of the building and provide visual interest.
 - a. All buildings shall be designed with a minimum of eight (8) external corners.
 - b. All front facades between external corners which equal or exceed two hundred (200) feet in length shall incorporate wall plane projections or recesses along at least twenty (20) percent of the length. All such wall plane projections or recesses should have a depth equal to at least three (3) percent of the length of the facade.
 - c. All facades which face a public street shall have arcades, display windows, entry areas, or awnings at the ground floor along a minimum of sixty (60) percent of their horizontal length at the ground floor.
 - d. Building penthouses shall be incorporated into the building facade design and make use of exterior materials consistent with the facades.
 2. **Tenant Spaces:** When smaller, tenant spaces are located within a structure that exceeds 25,000 square feet in gross floor area, such spaces shall meet the

following requirements when located along the front facade of the building:

- a. Each such space may have a customer entrance which is separate from the main entrance(s) of the structure.
 - b. The ground level facade of each such store located along the front facade shall be transparent between the height of three (3) and eight (8) feet above the exterior grade level for a minimum of sixty (60) percent of the horizontal length of the front building facade occupied by each tenant.
3. **Roofs:** All roof-top equipment, such as HVAC units, shall be screened from public view on all sides by parapets, dormers or other screens. The material of all structures used to screen roof-top equipment shall be consistent with the exterior materials used on the facade of the structure. Roofs shall also meet the following requirements:
- a. Flat roofs shall feature parapets concealing roof-top equipment. The parapets shall not exceed an average height equal to fifteen (15) percent of the height of the supporting wall, and shall not at any point exceed a height equal to thirty (30) percent of the supporting wall.
 - b. Sloped roofs shall feature a roof plane change, gable, or dormer for every one hundred (100) feet of horizontal length.
 - (1) Sloped roof exterior material shall either be standing seam metal or dimensional shingles.
 - (2) Sloped roofs shall include overhanging eaves which extend a minimum of 3 feet beyond the supporting walls.
 - (3) Sloped roofs shall not be sloped less than fifteen (15) degrees nor greater than forty-five (45) degrees.
4. **Building Materials:** A minimum of three different materials shall be used for all front building exteriors and any side or rear elevation visible from a roadway. The primary front building facade materials shall consist of stone, brick, glass, ornamental metal, architectural pre-cast (panels or detailing), or architectural metal panels, as defined in Article 6.8, Architectural & Appearance Standards for Commercial and Industrial Buildings and Structures.
5. **Customer Entrances:** All customer entrances located along the front facade, including those for smaller, tenant spaces as described above, shall be clearly defined and highly visible. The design of each entrance shall feature a combination of three (3) or more of the following features:
- a. canopies and porticos;
 - b. overhangs;
 - c. recesses or projections;
 - d. arcades;
 - e. raised, corniced parapets;
 - f. peaked roof forms;
 - g. arches;
 - h. outdoor patios;
 - i. display windows;
 - j. architectural details, such as tile work and moldings which are integrated into the building structure and design; or
 - k. fixed-in-place planters or wing walls that incorporate landscaped areas and places for sitting.
- B. **Building Orientation:** The structure shall be required to face and have its main entrance located on the side of the building which faces a public street.
1. In cases where such structures face more than one public street and the streets are of different classifications in the Clayton County Comprehensive Transportation

Plan, the building shall face the street which is of the highest use classification. Main entrances may also be located on the corner of a building which faces two public streets.

2. No loading docks, overhead service doors, or trash collection bins may be placed on, or adjacent to any facade which faces a public street.
- C. **Additional Regulations:** These provisions shall apply regardless of whether or not the structure is located within or outside of an overlay zoning district. All other applicable requirements of this Ordinance and other adopted regulations of Clayton County shall also apply.

Parking Standards (PK)

6.32 Parking Standards (PK)

PK-01: This Parking Standards section applies to the following districts: AG and ER.

Two off-street parking spaces, paved or graveled, are required per single-family dwelling unit. Off-street parking spaces may not fully or partially be in a public right-of-way, utility easement, or septic field. Each space must be at least two hundred (200) square feet. Parking spaces shall be provided on the same lot as the dwelling units for which they are required.

PK-02: This Parking Standards section applies to the following districts: RS-180, RS-110, RG-75, RM, RMH, MMX, NMX, and RMX.

Two off-street parking spaces, paved with asphalt or concrete, are required per dwelling unit. Off-street parking spaces may not fully or partially be in a public right-of-way, utility easement, or septic field. Each space must be at least two hundred (200) square feet. Parking spaces shall be provided on the same lot as the dwelling units for which they are required.

PK-03: This Parking Standards section applies to the following districts: OI, NB, CB, GB, MMX, NMX, RMX, LI, and HI.

All required non-residential parking spaces and lots shall conform to all of the following requirements:

- A. **Driving Surfaces:** All parking areas, including parking spaces, interior drives, and ingress/ egress into parking areas must be paved with asphalt or concrete. All parking areas shall be clearly painted to show each parking space.
- B. **Drainage:** Parking areas must be constructed to allow proper drainage which shall be subject to the review and approval of the Department of Community Development and Department of Transportation and Development.
- C. **Access to Public Streets:** Parking areas must be designed as to prevent vehicles from having to back into or maneuver in public streets.
- D. **Locations:** Parking lots shall not be located in any right-of-way, easement, required buffer yard, or any required setback from a public street.
- E. **Curbs and Wheelstops:** All parking areas shall be completely curbed and wheel stops shall be provided as necessary to protect pedestrians and/or landscaping.
- F. **Striping:** To facilitate movement and to help maintain an orderly parking arrangement, all parking spaces shall be clearly striped with paint.
- G. **Lighting:** Lighting for parking areas shall conform to the applicable requirements of

Article 6.36, Lighting Standards.

- H. **Landscaping:** Landscaping for parking areas shall conform with the applicable requirements of Article 6.34, Landscaping Standards.
- I. **Off-site Parking:** Parking spaces required in this section may be provided either on the premises or on an off-site lot located within 300 feet of the premises.
1. Two or more uses may provide off-site parking collectively on one lot if the total number of spaces shall not be less than the sum of the spaces required for each use.
 2. Two or more uses for which the normal hours of operation do not overlap may share parking either on or off-site.
 3. A permanent documentation of any off-site and/or shared parking agreement must be signed by all involved property owners. The permanent written agreement shall include, but is not limited to the following items: maintenance, snow removal, ownership, and liability. The agreement shall be reviewed and approved by the Zoning Administrator. The agreement shall be recorded in the office of the Clerk of Superior Courts. A copy of the agreement shall be kept in the Department of Community Development.
- J. **Handicap Parking:** Handicap parking spaces shall be provided in all parking areas consistent with the requirements of the Americans with Disabilities Act.
- K. **Parking Space and Interior Drive Dimensions:** All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited. Parking lots shall meet the following dimensional requirements:

Parking Space and Interior Drive Requirements			
Angle of Parking	Minimum Driving Aisles Width (Feet)	Minimum Parking Space Size (Feet)	
		Width	Length
Parallel	12	10	24
...up to and including 45 degrees	14	10	18
...up to and including 60 degrees	18	9	18
...up to and including 90 degrees	24	9	18

- L. **Spaces Required:** The minimum number of parking spaces required per property shall be determined by the following table:

Use		Number of minimum parking spaces per unit of measure	
A.	Residential Uses		
	1.	Residential, multiple-family high-rise (over stories)	One and three-quarters for each dwelling unit.
	2.	Housing for the elderly	One for each two units and one for each employee. Should units revert to general occupancy, then two spaces per unit shall be provided.
	3.	Mobile/ manufactured home park	Two for each mobile home site and one for each employee of the mobile home park.
	4.	Bed and breakfast dwellings	Two for the owner and/ or operator and one for each leaseable room.
B.	Institutional Uses		
	1.	Churches and temples	One for each three seats or six feet of pews in the main unit of worship.
	2.	Hospitals	Two for each one bed.
	3.	Convalescent homes and nursing homes	One for each two employees plus one for each four persons in residence.
	4.	Elementary and junior high schools	One for each one teacher, employee, or administrator in addition to the requirements for auditorium or stadium.
	5.	Senior high schools	One for each one teacher, employee, or administrator, and one for each ten students, in addition to the requirements of the auditorium or stadium, whichever seats more.
	6.	Private clubs, or lodge halls	One for each three persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes.
	7.	Fraternity or sorority	One for each five permitted active members, or one for each two beds, whichever is greater.
	8.	Library, museum or post office	One for each 150 square feet of usable floor area.
	9.	Child and adult care facilities	
	a.	Care home for up to 6 adults	Two for each unit plus one for each caregiver.
	b.	Care home for up to 12 adults	Two for each dwelling unit plus one for each caregiver.
	c.	Group day care home for children	Two for each dwelling unit plus one for each caregiver.

Use		Number of minimum parking spaces per unit of measure	
	d.	Day care center for children	One for each caregiver.
	e.	Day care center for adults	Two, plus one for each 20 adults in the facility.
C.	Offices		
	1.	Banks	One for each 200 square feet of usable floor space, plus three for each ATM. Drive-up windows and ATM's shall be provide three (3) stacking spaces.
	2.	Business offices or professional offices except medical offices	One for each 250 square feet of usable floor space.
	3.	Professional offices of doctors, dentists or similar professions	One for each 200 square feet of usable floor area.
D.	Retail Uses		
	1.	Retail stores except as otherwise specified herein	One for each 250 square feet of usable floor space.
	2.	Shopping centers with multiple tenants	One for each 250 square feet of usable retail floor area for the first 50,000 square feet. One for each 275 square feet for the next 50,000 to 450,000 square feet of usable retail floor area. One for each 300 square feet for that area in excess of 450,000 square feet of usable retail floor area. Non-retail uses such as restaurants, bars and theaters shall be calculated separately based upon their respective requirements.
	3.	Furniture and appliance, household equipment, repair shops, showroom of a plumber, decorator, electrician, or similar trade, shoe repair, and other similar uses	One for each 800 square feet of usable floor area. (For that floor area used in processing, one additional space shall be provided for each two persons employed therein.)
	4.	Gasoline service stations (full service)	Two for each lubrication stall, rack or pit; and one for each service vehicle used by the service station, in addition to space provided at each fuel pump dispenser. Gasoline service stations providing carwash facilities, sale of food, beverages and other products shall provide additional off-street parking spaces based on the requirements for such uses.
	5.	Gasoline filling stations (self-service)	One for each employee plus one for each 100 square feet of floor area used for cashier, office or retail sale of food, beverages and other products in addition to space provided at each fuel pump dispenser. In no instance shall such facility provide fewer than three spaces for cashier's and office use. Gasoline service stations providing carwash facilities shall provide additional off-street parking spaces based upon the requirements for such uses.

Use			Number of minimum parking spaces per unit of measure
	6.	Home improvement centers	One per 300 square feet of usable floor area.
	7.	Motor vehicle sales and service establishments	One for each 400 square feet of usable floor area of sales room and one for each one auto service stall in the service room.
	8.	Outdoor commercial display and sales	One for each 500 square feet of land area being used for display, plus one for each employee
E.	Restaurants/ Food and Beverage		
	1.	Bars, lounges, taverns, nightclubs (majority of sales consist of alcoholic beverages)	One per each 70 square feet of useable floor area or one per two seats, whichever is greater.
	2.	Drive-in Restaurant	One for each employee and one for each 25 square feet of usable floor area.
	3.	Drive-through Restaurant	One for each employee, one for each 75 square feet of dining area and five stack-up spaces for each drive-through window or station.
	4.	Carry-out Restaurant (with no eating on premises)	Six per service or counter station, plus one for each employee.
	5.	Open front Restaurants such as, but not limited to: dairy bars, fruit, and vegetable stands	Ten plus one per employee.
	6.	Standard sit-down restaurants without liquor license	One for each 100 square feet of usable floor area or one for each three persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes, whichever is the greater.
	7.	Standard sit-down restaurants with liquor license	One for each 75 square feet of usable floor area or one for each two persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes, whichever is the greater.
F.	Service Uses		
	1.	Automobile repair	Two for each service stall plus one for each employee.
	2.	Automobile quick oil change	Two stacking spaces for each service stall, rack or pit plus one for each employee.
	3.	Auto wash	One for each one employee. In addition, stacking spaces equal in number to five times the maximum capacity of the auto wash. Maximum capacity of the auto wash shall mean the greatest number of automobiles possible undergoing some phase of washing at the same time, which shall be determined by dividing the length in feet of each wash line by 24.
	4.	Auto wash (self service or coin operated)	Two stacking spaces for each washing stall in addition to the stall itself plus one for each drying space.

Use			Number of minimum parking spaces per unit of measure
	5.	Beauty parlor or barbershop	Two for each beauty or barber chair plus one for each employee.
	6.	Dry Cleaners	One (1) per five hundred (500) square feet of usable floor area
	7.	Laundromats and coin-operated dry cleaners	One for each two washing and/or dry-cleaning machines.
	8.	Mortuary establishments	One for each 50 square feet of usable floor area.
	9.	Motel, hotel or other commercial lodging establishments	One for each one occupancy unit plus one for each employee plus spaces as required for accessory uses such as a bar, restaurant, meeting rooms, etc.
	10.	Adult entertainment facility	
	a.	Adult book/video store	One for each 75 square feet of usable floor space.
	b.	Adult motion picture theater	One for each two seats plus one for each theater employee.
	c.	Adult mini-motion picture theater	One for each one seat or viewing station plus one for each employee.
	d.	Cabaret	One for each 75 square feet of usable floor space.
	11.	Massage establishment	One for each massage table or station, plus one for each 20 square feet of waiting room, plus one for each employee.
	12.	Self-storage mini-warehouse	One for each 20 storage units plus two for manager's residence
	13	Video Rental Establishments	One per 150 square feet of usable floor area.
G.	Recreational Uses		
	1.	Athletic clubs, exercise establishments, health studios, sauna baths, martial art schools and other similar uses	One for each three persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes plus one per employee. In those instances where memberships are provided for, not less than one per each five memberships shall be provided plus one per employee or one for each two clothing lockers plus one per employee whichever is the larger.
	2.	Amusement arcade	One for each one game table and one for each amusement device.
	3.	Bowling alleys	Five for each one bowling lane plus spaces required for accessory uses such as a bar or restaurant.
	4.	Commercial outdoor recreation facilities (such as archery ranges, batting cages, etc.)	Two for each batting cage, archery range or similar activity.

Use		Number of minimum parking spaces per unit of measure
5.	Dancehalls, pool or billiard parlors, roller or skating rinks, exhibition halls, and assembly halls without fixed seats	One for each three persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes or one for each 200 square feet of gross floor area, whichever is greater.
6.	Golf courses, open to the general public, except miniature or "par-three" courses	Six for each one golf hole and one for each one employee, plus spaces required for each accessory use such as a restaurant or bar.
7.	Golf driving range	Two for each driving tee plus three spaces for employees.
8.	Ice skating or roller rink	One for each seat or six feet of benches, or one for each 150 square feet of skating area, whichever is the greater.
9.	Miniature or "par-three" golf courses	Two for each one hole plus one for each one employee.
10.	Private golf clubs, swimming pool clubs, tennis clubs or other similar uses	One for each two member families or individuals plus spaces required for each accessory use such as a restaurant or bar.
11.	Stadium, sports arena or similar place of outdoor assembly	One for each four seats or eight feet of benches.
12.	Tennis club, paddle-ball club, racquetball club and other similar uses	Six per court, plus such additional spaces as may be required herein for affiliated uses such as restaurants, plus one per employee.
13.	Theaters and auditoriums	One for each three seats plus one for each two employees.
H. Industrial Uses		
1.	Assembly plants, fabrication plants, and/ or factories	One per each 1,000 square feet.
2.	Industrial or research establishments and related accessory offices	Five plus one for every one and a half employees in the largest working shift or one for each 500 square feet of usable floor area in those instances where shift size is not known. Space on the site shall also be provided for all construction workers during periods of plant construction.
3.	Mini-warehouses	One per each employee, plus one per each 5,000 square feet.
4.	Salvage, storage, and /or junk facility	One per each employee, plus four per acre.
5.	Warehouses and wholesale establishments and related accessory offices	Five plus one for every one employee in the largest working shift, or five plus one for every 1,700 square feet of usable floor space, whichever is the greater.

- M. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accordance with a use which the Zoning Administrator and/ or Board of Zoning Appeals consider to be similar in type.
- N. When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including

- one-half shall be disregarded and fractions over one-half shall require one parking space.
- O. Two or more buildings or uses may collectively provide the required off-street parking in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately, except as provided below.
- P. The Board of Zoning Appeals may reduce the parking requirements based upon a finding that there will be a lower demand for parking due to one or more of the following:
1. Shared parking by multiple uses where there will be a high proportion of multipurpose visits or uses having peak parking demands during differing times of the day or days of the week. Where uses are on separate lots, the lots shall be adjacent, and pedestrian and/ or vehicular connections shall be maintained between the lots and shared parking agreements shall be filed with the Clerk of Superior Courts.
 2. Expectations of walk-in trade due to sidewalk connections to adjacent residential neighborhoods or employment areas. The site design shall incorporate pedestrian connections to the site and on-site pedestrian circulation providing safe and convenient access to the building entrance.
 3. Availability of other forms of travel such as transit. The site design shall incorporate transit stops, pedestrian connections to nearby transit stops, or bicycle parking facilities.
- Q. Where the conditions of subsection P are not met, but an applicant demonstrates that the parking requirements for a proposed use could be excessive, the Zoning Administrator may defer some of the parking requirements, provided the site plan designates portions of the site for future construction of the required parking spaces. Areas reserved for future parking shall be maintained in a landscaped appearance and not used for building area, storage, or other accessory use. The deferred parking shall be required to meet ordinance requirements if constructed and may not occupy required greenbelts. Construction of the deferred parking area to add parking spaces may be initiated by the owner or required by the Zoning Administrator, based on parking needs or observation of the facility or use.

PK-04: This Parking Standards section applies to the MMX, NMX, and RMX.

In any development requiring more than one thousand (1,000) parking spaces, a minimum of sixty (60) percent of the required parking spaces shall be located within a parking structure, whether located above or below ground level.

PK-05: This Parking Standards section applies to all districts.

- A. No vehicle, including recreational and commercial vehicles, shall be parked, stored, or allowed to remain on a lot or parcel of land that does not contain a principal structure.
- B. Vehicles or trailers of any type without current license plates and registration or in an inoperable condition shall be prohibited other than in completely enclosed buildings or associated with permitted junk yards or auto-repair facilities. Such vehicles associated with permitted junk yards or auto-repair facilities must be stored consistent with the following requirements:

1. All such vehicles, including antique vehicles, shall be stored within the rear or side yard. In no case shall such vehicles be stored in any right-of-way, front yard, or required setback area.
 2. All storage areas for such vehicles shall be completely enclosed with six (6) feet tall, one hundred (100) percent opaque wood, stone, or masonry fence. Gates allowing access to the storage areas are permitted, shall be closed when not in use, and shall consist of a six (6) feet tall, one hundred (100) percent opaque doors.
- C. No vehicle or tractor-trailer of any type may be used predominantly for the purpose of personal storage.

Loading Standards (LD)

6.33 Loading Standards (LD)

LD-01: This Loading Standards section applies to all districts..

There shall be provided off-street loading berths meeting the minimum requirements specified in this section in connection with any building or structure which is to be erected or substantially altered, and which requires the receipt or distribution of materials or merchandise by trucks or similar vehicles.

- A. **Location:** All required off-street loading berths shall be located on the same lot as the use to be served, and no portion of the vehicle shall project into a street, alley, or other public right-of-way. No permitted or required loading berth shall be located within fifty (50) feet of the nearest point of intersection of any two streets.
- B. **Size:** Off-street loading berths for over-the-road tractor-trailers shall be fourteen (14) feet in width and one hundred twenty (120) feet in length including the apron. For local pick-up and delivery trucks, off-street loading berths shall be at least twelve (12) feet in width and sixty (60) feet in length including the apron. All loading spaces shall be provided with a vertical clearance of not less than fifteen (15) feet.
- C. **Access:** Each required off-street loading berth shall be designed with appropriate means of vehicular access to a street or alley in a manner which will not interfere with traffic movements. There shall be no maneuvering within the right-of-way. In no case shall a loading berth be located in such a manner as to require loading/unloading vehicles to back into a public right-of-way.
- D. **Surfacing:** All open off-street loading berths shall be improved with a compacted base of asphalt or concrete.
- E. **Space allowed:** Space allowed to any off-street loading berth shall not be used to satisfy the space requirements of any off-street parking spaces or portions thereof.
- F. **Landscaping:** The paved surface of all loading areas shall be considered as part of the parking lot and shall be factored into calculations for required landscaping as specified by Article 6.34, Landscaping Standards, of this Ordinance.

G. **Berths Required:** Off-street loading berths shall be required based on the following table:

Loading Berth Requirements	
Gross Floor Area	Berths Required
Up to 40,000 square feet	1
40,000 to 80,000 square feet	2
80,000 to 120,000 square feet	3
120,000 to 160,000 square feet	4
Greater than 160,000 square feet	1 additional berth for every 80,000 square feet of floor area

Landscaping Standards (LA)

6.34 Landscaping Standards (LA)

LA-01: This Landscaping Standards section applies to all districts:

A landscape plan shall be submitted for any proposed use or building which requires the submittal of a site development plan or when otherwise required by this ordinance. In cases where a site development plan is submitted for alterations or additions to an existing building, all of the standards set forth herein shall be met. Landscape plans shall be approved by the Zoning Administrator prior to the issuance of a building permit and shall be prepared in accordance with the following:

A. Planting plan specifications:

1. Minimum scale of one (1) inch = fifty (50) feet.
2. Existing and proposed contours with contour interval not to exceed two (2) feet.
3. The planting plan shall indicate, to scale, the location, spacing and starting size for all proposed landscape material within the required greenbelt or landscaped area.
4. Typical straight cross section including slope, height and width of berms and type of ground cover or height and type of construction for all proposed walls, including footings.
5. Significant construction details to resolve specific site conditions, e.g. tree wells to preserve existing trees, culverts to maintain natural drainage patterns.
6. Planting and staking details in either text or drawing form to insure proper installation and establishment of proposed plant materials.
7. Planting plans shall be prepared by a registered landscape architect.

- B. **Landscape Planting Standards:** Under no circumstances shall any artificial plant be installed and/or counted as part of the required plantings. Except for those areas occupied by buildings, loading areas, parking areas, patios and walkways, all areas of a site shall remain in lawn area. All plant materials shall be living plants and shall meet the following requirements:

Site Interior Planting Requirements			
For lots with the following land use...	...this number of	...this planting type...	...shall be required for every...
Single Family Residential (including dwelling units in RMH districts)	1	Deciduous Tree	1 dwelling unit
	1	Needled Evergreen Tree	1 dwelling unit
	1	Foundation Planting	20' of perimeter

Site Interior Planting Requirements			
For lots with the following land use...	...this number of	...this planting type...	...shall be required for every...
Multiple Family Residential	1	Deciduous Tree	2 dwelling units
	1	Needled Evergreen Tree	2 dwelling units
	1	Ornamental Tree	4 dwelling units
	1	Foundation Planting	10' of perimeter
Commercial	1	Deciduous Tree	1,000 sq. ft. of ground floor area
	1	Needled Evergreen Tree	1,000 sq. ft. of ground floor area
	1	Ornamental Tree	1,000 sq. ft. of ground floor area
	1	Foundation Planting	20' of perimeter
Institutional	1	Deciduous Tree	1,000 sq. ft. of ground floor area
	1	Needled Evergreen Tree	1,000 sq. ft. of ground floor area
	1	Ornamental Tree	1,000 sq. ft. of ground floor area
	1	Foundation Planting	10' of perimeter
Industrial	1	Deciduous Tree	3,000 sq. ft. of ground floor area
	1	Needled Evergreen Tree	3,000 sq. ft. of ground floor area
	1	Ornamental Tree	3,000 sq. ft. of ground floor area
	1	Foundation Planting	30' of perimeter

1. In no instance shall any landscaping required by the table listed above, or by any other article of this Ordinance, including, but not limited to Article 6.35, Buffer Yard, of this Ordinance and Article 1 of the Tree Protection Ordinance, be used to meet the requirements of a different Ordinance section. In all cases the landscaping required by any article of this Ordinance shall be considered as being in addition to any other requirements.
 2. Any existing vegetation on site which is retained may be counted towards the minimum landscaping requirements.
 3. All new trees required to be planted by this Ordinance shall be measured consistent with the American Nursery Standards Institute (ANSI).
 - a. All deciduous trees shall be two and one half (2-1/2) inches in diameter at the time of planting measured at six (6) inches above the root ball.
 - b. All evergreen trees shall be six (6) feet in height at the time of planting measured from the base of the root ball.
 - c. All shrubs shall be twelve (12) inches in height at the time of planting measured from ground level.
 - d. These planting standards shall not be considered as fulfilling any screening or buffer requirement.
 - e. No landscaping materials, vegetation, plants, shrubs, trees, retaining walls, bedding, lighting, or mounds may extend into any existing or proposed right-of-way or easement without written permission from the agency that established the right-of-way or easement.
- B. Design Standards:** All proposed landscape materials should complement the form of the existing trees and plantings. Light water, soil quantity and quality, and on-going maintenance requirements should be considered in selecting plant materials.
- C. Irrigation:** All required landscaped areas shall be irrigated.
- D. Maintenance Requirements:** Trees, vegetation, irrigation systems, fences, walls and other landscape elements are considered elements of a project in the same manner as parking and other site details. The owner of the property shall be responsible for the continuous proper maintenance of all landscaping materials, and shall keep them in a proper, neat and orderly appearance, free from refuse and debris and in good repair at all times.
1. All unhealthy or dead plant material shall be replaced by the next planting period. Other defective landscape material shall be replaced or repaired within three months.
 2. Landscape materials are intended to grow, spread and mature over time. Landscaping materials used to fulfill requirements of this section should only be pruned, limbed-up, or topped to insure the public safety, to maintain a neat and attractive appearance and to preserve the relative health of the material involved.
- E. Interior Planting Requirements:** Landscaping shall be required on each lot based on the use of that lot as defined in the table above. Where a lot is occupied by a combination of land uses listed below, only plantings consistent with the requirements for the land use that would result in the most landscaping is required.
- F. Detention/ Retention Pond Landscaping:**
1. Landscape plans shall be submitted for all detention/retention ponds.
 2. Detention/retention ponds shall be landscaped to provide a natural setting in open space areas which are removed from residential lots. Where possible, ponds or basins shall be "free form" following the natural shape of the land to the greatest practical extent.

3. The minimum requirements for the landscaping of detention/retention ponds shall be as follows:
 - a. One deciduous shade or evergreen tree and ten shrubs shall be planted for every fifty (50) lineal feet of pond perimeter as measured along the top of the bank elevation.
 - b. The required trees and shrubs shall be planted in a random pattern or in groupings. The placement of required landscaping is not limited to the top of the pond bank.
 5. To assure that water quality is maintained, ponds shall be designed to continuously circulate either by surface water movement, ground water movement or some form of artificial aeration.
 6. Maintenance of detention/retention ponds and the landscaping thereof shall be the responsibility of the property owner or of the development association whichever is appropriate.
- G. Greenbelt Buffer for Residential Developments:** When a subdivision, site condominium, cluster housing or multiple family development borders a major thoroughfare, a landscaped greenbelt shall be provided directly adjacent, and parallel to, the future right-of-way of said thoroughfare for the entire length of the subdivision. The applicant has the option of either constructing a landscaped earth berm or a decorative wall with landscaping. The planting of materials shall be done in a manner so as to provide adequate screening of the homes from the major thoroughfare within five years of construction. Creativity is encouraged. Thus, required trees and shrubs may be planted at uniform intervals, at random, or in groupings, with the intent being to screen the subdivision from the major thoroughfare, coordinate the landscaping treatment with adjoining properties, and provide a visually pleasing design. Existing plant material may be counted toward the fulfillment of the greenbelt planting requirements.

LA-02: This Landscaping Standards section applies to all districts.

- A. **Parking Lot Landscaping:** In addition to the interior planting requirements, landscaping on the perimeter and in the interior of parking lots shall be provided.
- B. **Perimeter Screening:** All parking lots, including parking spaces, interior drives, and loading/ unloading areas, must be screened on each side adjoining any residentially zoned or used property.
 1. The screening must be placed within five (5) feet of the parking area, and shall consist of either evergreen trees, or a combination of an earthen berm, shrubs, and evergreen trees.
 2. All evergreen trees and shrubs must meet the planting requirements provided by this section.
 3. All screening shall provide a barrier at least four (4) feet in height at the time of installation.
- C. **Interior Planting:** To help reduce excessive heat build-up and emissions from large areas of hard surfacing, landscape areas must be provided within parking lots.
 1. Landscape islands with a surface area equal to eight (8) percent of the area of the parking lots (including all parking spaces, interior drives, loading docks, drop-off/pick-up lanes, and access drives beyond the right-of-way) shall be provide in all parking lots with more than fifteen (15) parking spaces.
 2. Trees shall be distributed evenly throughout the parking area. In large parking areas, islands should be approximately every ten spaces.
 3. The required landscape areas shall meet the following requirements:
 - a. All required landscaped areas shall consist of curbed islands or peninsulas

- which are surrounded on at least two sides by pavement. Landscaping on the perimeter of the parking lot shall not be counted toward this requirement.
- b. All landscape islands must be a minimum of 150 square feet in area.
 - c. No individual landscape area shall be larger than 350 square feet in size in a parking lot that is less than 30,000 square feet, and no individual area shall be larger than 1,500 square feet in a parking lot that exceeds 30,000 square feet.
 - d. Individual landscape areas larger than those described above are permitted as long as the additional area is in excess of the required minimum total.
 - e. One deciduous tree and two shrubs shall be provided within the landscape islands for every 150 square feet of interior landscape area required.
- D. **Design Requirements:** Landscaping provided at the perimeter of, and interior to parking areas shall meet the following design requirements:
1. Parked vehicles may hang over the interior landscaped area up to two and one half (2-1/2) feet, and wheel stops shall be provided to insure no greater overhang or penetration of the landscaped area.
 2. All areas not landscaped with hedges, walls, or trees shall be provided with grass or other acceptable ground cover.

Buffer Yard Standards (BY)

6.35 Buffer Yard Standards (BY)

BY-01: This Buffer Yard Standards section applies to all districts.

- A. The general purpose of a buffer yard is to soften the potential conflicts between the potential uses in one zoning district and the potential uses in another adjacent district by using setbacks and landscaping. The potential degree (or intensity) of conflict (or potential conflict) between two zoning districts determines the extent of buffer yard required.
- B. The following general buffer yard standards will apply to all buffer yards.
 1. The buffer yard standards only apply along the property lines where the two conflicting zoning districts meet.
 2. The developer or owner of the subject property is responsible for installing the buffer yard. The adjacent property owner shall not have to participate in installing the buffer yard until their property is developed or redeveloped.
 3. No buffer yard or required landscape materials shall be placed within any easement, right-of-way, or septic field.
 4. All required buffer yard areas shall be provided entirely on the subject property and shall be in addition to setbacks required by this Ordinance.
 5. All required buffer yard trees shall be irregularly spaced and designed to provide the appearance of a natural landscape unless otherwise specified by this Ordinance.
 6. All portions of the buffer yard not planted with trees, shrubs or other landscaped materials shall be covered with grass or other ground covering vegetation.
 7. No landscaping required by this section may be used to satisfy the minimum requirements of any other provisions of this Ordinance.
 8. All landscape materials must be properly maintained, and kept in a neat and orderly appearance, free from all debris and refuse. All unhealthy or dead plant material shall be removed by the end of the next planting season.

- C. The following matrix determines the type of buffer yard which shall be installed by the subject development entirely on the subject property:

Buffer Yard Requirements																
The buffer yard type indicated in the table below shall be provided on the subject property when:																
the zoning district for the subject property is	...and the adjoining property is zoned:															
	AG	ER	RS-180	RS-110	RG-75	RM	RMH	OI	NB	CB	GB	MMX	NMX	RMX	LI	HI
AG																
ER																
RS-180	2	1														
RS-110	3	2														
RG-75	3	2	1													
RM	3	3	3	3	2		2	1	1	1	1	1	1	1	1	1
RMH	3	3	3	3	2	2		2	2	2	2	2	2	2	2	2
OI	3	3	3	3	3	2	2									
NB	3	3	3	3	3	2	2									
CB	3	3	3	3	3	2	2									
GB	3	3	3	3	3	3	2	1								
MMX	3	3	3	3	2	3	2									
NMX	3	3	3	3	3	3	2	1								
RMX	3	3	3	3	3	3	3	2	2	2	1	1	1			
LI	3	3	3	3	3	3	3	2	2	1	1	1	1	1		
HI	3	3	3	3	3	3	3	3	3	3	2	2	2	2	1	

- D. The required buffer yards shall meet the following minimum requirements:
- Buffer Yard Type 1:** Buffer yard type 1 shall include a minimum setback of fifteen (15) feet in addition to the yard setback otherwise required by this ordinance. In addition, one (1) deciduous canopy tree must be planted in the buffer yard for every thirty (30) feet of contiguous boundary between the subject and adjoining properties.
 - Buffer Yard Type 2:** Buffer yard type 2 shall include a minimum setback of twenty-five (25) feet in addition to the yard setback otherwise required by this ordinance. In addition, one (1) deciduous canopy tree and two (2) evergreen trees shall be planted in the buffer yard for every twenty-five (25) feet of contiguous boundary between the subject and adjoining properties.
 - Buffer Yard Type 3:** Buffer yard type 3 shall include a minimum setback of forty (40) feet in addition to the yard setback otherwise required by this ordinance. In addition, two (2) rows of deciduous canopy trees shall be planted parallel to the property line within the buffer yard with one (1) tree placed every twenty (20) feet long the boundary between the subject and adjoining properties. Also, a six (6) feet tall opaque wooden fence or brick or stone wall, a five (5) feet tall undulating mound planted with shrubs, or a row of evergreen trees shall be placed parallel to the property line within ten (10) feet of the row of canopy trees along the boundary between the subject and adjoining properties.

- a. If an undulating mound is used to fulfill the requirements, one (1) shrub for every ten (10) feet of continuous boundary shall be planted on the mound. All required shrubs shall measure eighteen (18) inches in height measured from grade at the time of planting.
- b. If a row of evergreen trees is used to meet the requirements, one (1) tree shall be placed every ten (10) feet long the property boundary.

Outdoor Lighting Standards (OL)

6.36 Outdoor Lighting Standards (OL)

OL-01: This Outdoor Lighting Standards section applies to all districts.

The intent of this ordinance is to preserve, protect, and enhance the lawful nighttime use and enjoyment of any and all property through the use of appropriate lighting practices and systems. Such individual fixtures and lighting systems are designed, constructed, and installed to control glare, minimize obtrusive light, conserve energy and resources while maintaining safety, security and productivity, and curtail the degradation of the nighttime visual environment.

- A. **Submittal requirements:** The applicant for any permit of work involving outdoor lighting fixtures governed by this Section shall submit, as part of the site plan, evidence that the proposed work will comply with this Article. The following information must be included for all nonresidential site plan submissions, final preliminary plats, and final residential site plans. Where formal site plan approval is not required, some or all of the items may be required to be reviewed by the Zoning Administrator and/ or Building Inspector prior to lighting installation:
 1. Location, type and height of all freestanding, building-mounted and canopy light fixtures, and all existing and proposed sign lighting, shall be shown on the site plan and building elevations.
 2. Photometric grid overlaid on the proposed site plan indicating the overall light for intensity throughout the site (in footcandles).
 3. Specifications and details for the type of fixture being proposed including the total lumen output, type of lamp and method of shielding.
 4. Use of fixture proposed; and
 5. Any other information deemed necessary by the Zoning Administrator and/ or Building Inspector.
- B. **General provisions:** The design and illumination standards of this ordinance shall apply to all exterior lighting sources and other light sources visible from the public way or adjacent parcels, except where specifically exempted herein.
 1. **Shielding:** Exterior lighting shall be fully shielded and directed downward, and shall utilize full cutoff housings, louvers, glare shields, optics, reflectors or other measures to prevent off-site glare and minimize light pollution.
 2. **Intensity:** The intensity of light within a site shall not exceed 10.0 footcandles within any site and 1.0 footcandles at any zoning lot boundary or street right-of-way line. Where a zoning lot abuts a residential district or existing residential use, the intensity shall not exceed 0.5 footcandles at the zoning lot boundary. The Zoning Administrator may permit a maximum intensity of 20.0 footcandles for lighting under a gas station pump island canopy or within the outdoor sales and display space of an automobile dealership, provided that such lighting is otherwise in compliance with this ordinance.

3. **Measurement:** Light intensity levels shall be measured on the horizontal plane at grade level within the site, and on the vertical plane of any zoning lot boundary or street right-of-way line at a height of five feet above grade level.
 4. **Lamp options:** Metal halide lamps with a maximum wattage of 250 watts per fixture are recommended for use in Clayton County to maintain a unified lighting standard and to minimize light pollution and 'sky glow.' The Zoning Administrator may permit the use of other lamp-types and wattages up to 400 watts maximum for fully shielded fixtures, provided that such lighting is otherwise in compliance with this ordinance.
 5. **Decorative light fixtures:** The Zoning Administrator may approve decorative light fixtures as an alternative to shielded fixtures, provided that such fixtures would enhance the aesthetics of the site and would not cause off-site glare or light pollution. Such fixtures may utilize incandescent, tungsten-halogen, metal halide or high-pressure sodium lamps with a maximum wattage of 100 watts per fixture.
 6. **Freestanding pole lighting:** The following standards shall apply to all freestanding pole-mounted light fixtures:
A maximum overall height (as measured from grade level to the highest point of the fixture):
 - a. Fifteen (15) feet high, where such fixtures are located within fifty (50) feet of a residential district or residential use.
 - b. Twenty (20) feet high, where such fixtures are located more than fifty (50) feet from a residential district or residential use.
 - c. Twenty-five (25) feet high, where such fixtures are located more than three hundred (300) feet from a residential district or residential use.
 7. **Building-mounted lighting:** Luminous tube or exposed lamp fluorescent lighting is prohibited as an architectural detail on all buildings, including, but not limited to areas along roof lines, cornices and eaves or around and within window and door openings. The Zoning Administrator may approve internally illuminated architectural bands or similar shielded lighting accents as part of a site plan, provided that such lighting accents would enhance the aesthetics of the site and would not cause off-site glare or light pollution.
- C. **Exemptions:** The following are exempt from the lighting requirements of this section:
1. Roadway and Airport lighting and lighting activated by motion sensor devices;
 2. Temporary circus, fair, carnival, or civic uses;
 3. Construction or emergency lighting, provided such lighting is temporary and is discontinued immediately upon completion of the construction work or abatement of the emergency necessitating said lighting;
 4. Temporary lighting;
 5. Lighting associated with agricultural pursuits.
 6. Sports fields.
 7. Swimming pools.
 8. Holiday decorations.
 9. Shielded pedestrian walkway lighting.
 10. Residential lighting with no-offsite glare.
 11. Street lights.

Telecommunication Facility Standards (TF)

6.37 Telecommunication Facilities Standards (TF)

TF-01: This Telecommunication Facility Standards section applies to all districts.

The intent of this Telecommunications Ordinance is to ensure that residents and businesses in Clayton County have reliable access to telecommunications networks and state of the art communications services while also ensuring that this objective is achieved in a fashion that preserves the intrinsic aesthetic character of the community and is accomplished according to Clayton County's zoning, planning, and design standards. The Telecommunications Act of 1996 gave local government's land use and zoning authority, with certain limitations, to determine the placement, construction, and modification of wireless telecommunications facilities. Clayton County recognizes that facilitating the development of wireless service technology can be an economic development asset to Clayton County and a significant benefit to its residents. The intent of this wireless communication facilities ordinance is to accomplish the above stated objectives and to ensure that the placement, construction or modification of wireless telecommunications facilities complies with all applicable federal laws, and is consistent with Clayton County's land use policies, and wireless telecommunications ordinance.

- A. This Ordinance is enacted for the purpose of safeguarding the public health, safety, and welfare by establishing general guidelines for the location and placement of antennas and towers. The goals of the ordinance are to:
1. Ensure access to reliable wireless communications services throughout all areas of Clayton County;
 2. Encourage the use of existing monopoles, towers, utility poles, and other structures for the co-location of telecommunications facilities;
 3. Encourage the location of new monopoles and towers in non-residential areas;
 4. Minimize the number of new monopoles and towers that would otherwise need to be constructed by providing incentives for the use of existing structures;
 5. Encourage the location of monopoles and towers, to the extent possible, in areas where the adverse impact on the community will be minimal;
 6. Minimize the potential adverse effects associated with the construction of monopoles and towers through the implementation of reasonable design, landscaping and construction practices;
 7. Ensure public health, safety, welfare, and convenience; and
 8. Conform to Federal and State laws that allow certain antennas to be exempt from local regulations.

TF-02: General Requirements

- A. **Principal or Accessory Use:** Antennas and towers may be considered either principal or accessory uses.
- B. **Inventory of Existing Sites:** Each applicant for an antenna and/or tower shall provide to the Zoning Administrator an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of the Clayton County or within one (1) mile of the border thereof, including specific information about the location, height, and design of each tower or antenna.
- C. **Aesthetics:** Towers and antennas shall meet the following aesthetics requirements.

1. **Finish:** Any tower shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
2. **Related Structures:** At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.
3. **Lighting:** Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.
4. **State or Federal Requirements:** All towers and antennas must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this Ordinance shall, to the extent required by the FAA or the FCC, bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the County to seek a court order, authorizing the County or its designee to remove the tower or antennae at the owner's expense.
5. **Building Codes:** To ensure the structural integrity of towers and antennas, the owner of a tower shall ensure that it is maintained in compliance with applicable standards for towers that are published by the Electronic Industries Association and/ or adopted Building Code for the State of Georgia, as amended from time to time. Failure to bring a tower into compliance within thirty (30) calendar days of notice being provided to the owner by the County shall constitute abandonment and grounds for the removal of the tower or antenna in accordance with Section TF-10 of the Telecommunication Facility Ordinance.
6. **Exceptions:** The provisions of this ordinance shall not be deemed to apply to the following:
 - a. Any tower, antenna, or other communication structure located on property owned, leased, or otherwise controlled by Clayton County.
 - b. Any amateur radio facility that is owned and operated by a federally-licensed amateur radio station operator issued by the Federal Communications (FCC).
 - c. Personal over-the-air devices for video programming and wireless Internet services are not subject to the requirements of this Section.
 - d. Satellite dish antennas, or similar devices, as provided in the Federal Telecommunications Act of 1996, are exempt from the requirements of this Section, subject to the standards listed below.

TF-03: Availability of Suitable Existing Towers or Other Structures

- A. No new tower shall be permitted unless the applicant demonstrates that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of the following:
 1. Evidence that no existing towers or structures are located within the geographic area required to meet the applicant's engineering requirements;

2. Evidence that the existing towers or structures are not of a sufficient height to meet the applicant engineering requirements;
3. Evidence that existing structures or towers do not have sufficient structural strength to support the applicant's proposed antenna and related equipment;
4. Evidence that the applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing structures would cause interference with the applicant's proposed antenna; and
5. The applicant demonstrates other limited factors that render existing towers and structures unsuitable.
6. The above evidence must be provided by a registered professional engineer and/or other industry specialist, and clearly demonstrate the evidence required.

TF-04: Review and Approval Process for Telecommunication Facilities

- A. **Permitted.** The following structures and uses are permitted with the approval of an administrative review and issuance of a building permit.
 1. **Co-locations and Attached Antennas.** The installation of attached antennas located on any existing support structure shall be permitted in any zoning district provided that the additional antennas do not increase the structure height. The applicant shall submit the documentation proper administrative approval is given and a building permit is issued.
 2. **Temporary Wireless Communication Facility(COW).** A temporary tireless communication facility may be approved by administrative review in any zoning district for a period not to exceed 90 calendar days. The application shall include an explanation of the urgency of need for a temporary facility in addition to all other documentation requirements.
- B. **Administrative Review.** Applicants applying for administrative approval of co-locations, attached antennas, or a temporary wireless communication facility shall submit the permit fees, application forms, and all supporting documentation as identified within Section TF-07 of this section with the Clayton County Community Development Department and the County shall complete review of the application within 30 calendar days, notifying the applicant of its decision.
- C. **Building Permit.** If approved, the County shall issue a building permit to the applicant. If denied, the Applicant may reapply, correcting deficiencies in the original application or file notice of appeal under the procedure outlined in Article 13, of the Zoning Ordinance of Clayton County.
- D. **Conditional Use Permit.** The following structures and uses are permitted with the approval of a conditional use permit and issuance of a building permit.
 1. **New Tower and Concealed Support Structures.** Telecommunications Facilities and Support Structures not permitted by administrative approval shall be permitted in any zoning district upon approval of a conditional use permit from the Board of Commissioners in accordance with the standards set forth in this Ordinance.
- E. **Conditional Use Application.** Applicants applying for a conditional use permit for a new tower or concealed support structure shall submit the permit fees, application forms, and all supporting documentation as identified within Section TF-07 of this section with the Clayton County Community Development Department.
- F. **Building Permit.** If approved, the County shall issue a building permit to the applicant.

TF-05: Review Criteria for Conditional Use

- A. **Conditional Use.** The Board of Commissioners shall have the authority to approve a conditional use permit for a new support tower structure and grant approval only if the Board of Commissioner's finds supportive evidence that meets the following standards and criteria:
1. The wireless telecommunications tower will not be detrimental to the public welfare, safety, and health of surrounding properties;
 2. The communication tower will be compatible with the existing contiguous uses or zoning and compatible with the general character and aesthetics of the neighborhood or the area;
 3. The design and height of the communication tower incorporates characteristics that have the effect of reducing or eliminating visual obtrusiveness;
 4. The tower conforms to the minimum setback requirement from the nearest residential structure as set forth in the Wireless Telecommunications Ordinance;
 5. The location of the communication tower in relation to existing structures, surrounding tree cover and vegetation, surrounding topography, and other visual buffers, minimizes to the greatest extent practicable, any impacts on affected residentially-zoned property;
 6. No available towers or structures exist within the proposed service area to reasonably meet the applicant's engineering requirements;
 7. The granting of the conditional use for a communications tower is based upon the goals set forth in the Telecommunication Facilities Ordinance and other adopted policies or regulation of the jurisdiction; and
 8. The granting of the conditional use for a communication tower is consistent with the intent and purpose of this Article.

TF-06: Design Standards for Telecommunication Facilities

- A. **Setbacks.** The following setback and separation requirements shall apply to all antennas and towers. Provided, however, the Board of Commissioners may in its sole discretion, grant a variance to reduce the standards setback and separation requirements if the goals of this Section would be better served thereby.
1. Antennas and towers shall be setback a distance equal to the height of the prospective antenna or tower from the boundary line of property upon which the tower is located (effectively creating a buffer equal to the height of the antenna or tower).
 2. Antennas and towers may not be constructed within a locally or nationally designated historic district. Furthermore, antennas and towers may not be located within one thousand (1,000) feet of a locally- or nationally-designated historic district or historic landmark.
 3. Antennas, towers, guyed wires and all accessory equipment shall be setback from all property lines in accordance with the minimum setback requirements in the underlying zoning district.
- B. **Maximum Height Limitations**
1. **New Tower Support Structures.**
 - a. Monopoles. Monopole towers shall not exceed a height of two hundred twenty (220) feet from the base of the structure to the top of the highest point.
 - b. Lattice or Guyed. Self-supported, lattice, and guyed towers shall not exceed three hundred fifty (350) feet in height.

- c. **Concealed Support Structure.** Concealed support structures shall not exceed one hundred sixty (160) feet within any residential district. Concealed support structures shall not exceed one hundred eighty (180) feet in industrial, commercial, and agricultural zoning districts. Co-location of conceal support structures shall be contingent upon the design of the structure.
- 2. **Attached Antennae.**
 - a. Attached antennae shall not increase the total height on an existing building or structure by more than twenty (20) feet. The placement of any additional building or other supporting equipment used within connection with the antennas is also permitted.
- C. **Co-location Design Requirements**
 - 1. Support tower structures over one hundred (100) feet shall be designed to accommodate at least three (3) telecommunications providers.
 - 2. The compound area surrounding the support tower structures must be of sufficient size to accommodate accessory equipment for at least three (3) telecommunications providers.
- D. **Landscaping.**
 - 1. The visual impacts of communication towers shall be mitigated through landscaping or other screening materials at the base of the tower and ancillary structures as follows:
 - a. A ten (10) feet wide landscape buffer which meets the landscape requirements of the Landscape standards in Article 6.34 shall be required around the perimeter of the tower and related equipment; and
 - b. Required landscaping shall be installed outside the fence or wall.
- E. **Security Fencing.**

The base of the tower, including any accessory structures, shall be enclosed by a minimum six (6) feet high chain link fence. Landscaping as required by this ordinance shall be installed outside the fenced enclosure.
- F. **Signage.**
 - 1. Wireless telecommunications facilities shall contain a sign no larger than four square feet and, no less than three square feet, to provide adequate notification to persons in the immediate area of the presence of an antenna that has transmission capabilities.
 - 2. The sign shall contain the name(s) of the owner(s) and operator(s) of the antenna(s) as well as emergency phone number(s).
 - a. The sign shall be located so as to be visible from the access point of the site. The sign shall not be lighted unless permitted by the County Board of Commissioners.
 - b. No other signage, including advertising, shall be permitted on any facilities, antennas, antenna supporting structures, or antenna towers, unless otherwise required by law.

TF-07: Application Requirements for Administrative Review and Conditional Use Permit

In addition to other application requirements of this ordinance, all applicants for administrative approval/ building permit and conditional use permit approval shall submit the information listed below.

- A. **Application.** A completed application as provided by the Zoning Administrator and located within the Department of Community Development.

- B. **Commitment.** A written statement of commitment to use the proposed site from at least one federally licensed wireless service provider.
- C. **Materials.** Narrative and graphic materials, such as signal propagation plots, prepared by a radio frequency engineer clearly explaining and illustrating the proposed service provider's need for the new antenna installation. In documenting need, the applicant will address the following:
 - 1. The proposed site's relationship to the existing antenna network, existing towers and tall structures located within 3,000 feet of the proposed location;
 - 2. The required antenna height;
 - 3. Alternate locations as may be appropriate; and
 - 4. Line-of-sight diagram or photo simulation, showing the proposed Support Structure set against the skyline and viewed from at least four (4) directions within the surrounding areas.
- D. **Structural Renderings.** Architectural renderings or simulated photographs of all proposed structures in their physical environment with particular attention to views from public streets or residential uses.
- E. **Engineering Statement.** For towers or concealed support structures, a report from a qualified independent engineer licensed in the State of Georgia documenting the following information:
 - 1. The location of the facility by longitude and latitude and Georgia Plan Coordinate System, ground elevation and total height in English and metric measurements;
 - 2. Total anticipated capacity of new communications tower;
 - 3. Number and type of proposed antennas and their height above ground level, including the proposed placement of antennas on the support structure;
 - 4. Evidence of the structural integrity of the structure with respect to wind and ice loadings;
 - 5. Design characteristics that indicate the limits of falling debris in the event of catastrophic structural failure; and
 - 6. A scale drawing of the site and area that indicates distances to the nearest residential uses.
- F. **Map.** A map that illustrates the proposed tower location with respect to the nearest airport.
- G. **FAA Determination.** A determination by the FAA regarding potential hazards to air navigation.
- H. **Contact or Agent.** Identity and current contact information of the person authorized by the applicant to answer questions from the local government or community regarding construction and operation of the facility. Include name, mailing address, telephone number, facsimile number and electronic mail address, if applicable.
- I. **Authorization from Property Owner.** Copy of lease or letter of authorization from property owner evidencing applicant's authority to pursue conditional use application.
- J. **Statement of Co-location Feasibility.** A statement justifying why co-location is not feasible. Such statement shall include:
 - 1. Such technical information and other justifications as are necessary to document the reasons why co-location is not a viable option;
 - 2. The applicant shall provide a list of all existing structures considered as alternatives to the proposed location. The applicant shall provide a written explanation why the alternatives considered were either unacceptable or infeasible due to technical, physical, or financial reasons. If an existing tower was listed among the alternatives, applicant must specifically address why the modification of such tower is not a viable option; and

3. A statement that the proposed Support Structure will be made available for co-location to other service providers at commercially reasonable rates.
- K. **Fees.** Fees as prescribed by the adopted fee schedule within the Department of Community Development.

TF-08: Nonconforming Communication Towers

To the extent set forth herein, the restrictions on nonconforming uses and structures contained in Article 9, Nonconformities, in the Zoning Ordinance are modified and supplemented by this section. Bona fide nonconforming communication towers or antennas that are damaged or destroyed may be rebuilt and all such towers or antennas may be modified or replaced without meeting the minimum distance requirements specified in Article TF-07. hereinabove. The type, height, and location of the tower on the site shall have no greater impact on the adjacent property than the original facility approval. Building permits to rebuild the tower shall comply with the applicable County Ordinances and shall be obtained within one hundred eighty (180) calendar days from the date the tower is damaged or destroyed. If no permit is applied for, or obtained, or if said permit expires, the communication tower shall be deemed abandoned as specified in Section TF-09 hereinafter.

TF-09: Abandonment and Removal

- A. **Abandonment.** Any Telecommunications Facility or Support Structure that is not operated for a period of twelve (12) consecutive months shall be considered abandoned.
- B. **Removal.** The owner of the Telecommunications Facility or Support Structure shall remove the Facility within six (6) months of its abandonment. The Clayton County Department of Community Development shall ensure and enforce removal by means of its existing regulatory authority.

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Planned Unit Development

Article Seven: Planned Unit Development (PUD)

7.1 Intent

The Planned Unit Development (PUD) district is intended to permit private or public development or redevelopment of areas throughout the County that are substantially in accord with the goals and objectives of the Comprehensive Plan. The use patterns of the areas involved shall provide a desirable environment and shall be harmonious with the general surrounding uses permitting flexibility in overall development while ensuring the highest of safeguards and standards for public health, safety, convenience and general welfare. The PUD district shall encourage the use of land in accordance with its character and adaptability; conserve natural and social/cultural resources and provide sustainable design and energy efficiency; encourage innovation in land use and community planning; and bring about a greater compatibility of design and use.

7.2 District Intent, Permitted Uses and Miscellaneous Standards

See chart below.

District Intent	Permitted Uses	District Standards
<p>The purpose of the PUD is to stimulate the development of balanced neighborhoods containing physical, economic, and social assets difficult to achieve through the traditional separation of use and density zones. This is accomplished by allowing the applicant the freedom necessary to protect natural resources, to protect and improve the social and economic environment; and to protect the investment of both the County and development.</p> <p>In reviewing the PUD, the following guidelines should be observed:</p> <p>A. The protection of both the aesthetics and function of the natural environment.</p> <p>B. The arrangement of buildings and other improvements advantageous to the orderly function and aesthetics of both the natural and man-made environment.</p> <p>C. The preservation of adequate, permanent open space for the use of residents and workers in the development and County.</p> <p>D. A variety of housing types and densities necessary to achieve a balanced neighborhood.</p> <p>E. The provision of land area necessary to accommodate all cultural, educational, recreational, and other public and quasi-public activities necessary to serve the needs of the development and County.</p> <p>F. The orderly and creative arrangement of all land uses with respect to each other and the entire County (including residential, commercial, industrial, and public and quasi-public uses.)</p> <p>G. The provision of developed recreational activity areas necessary to serve the needs of any residential portion of the development.</p> <p>H. The provision of a pedestrian environment separate from the vehicular environment.</p> <p>I. The creation of the neighborhoods compatible with the Comprehensive Land Use Plan for the County.</p>	<ul style="list-style-type: none"> • All uses indicated as permitted, accessory, and conditional in the AG, ER, RS-180, RS-110, RG-75, RM, and/or RMH zoning districts • All uses indicated as permitted, accessory, and conditional in the OI, NB, CB, GB, MMX, NMX, and RMX zoning districts. • All uses indicated as permitted, accessory, and conditional in the LI zoning district. 	<p>Minimum Land Area:</p> <ul style="list-style-type: none"> • 20 acres to qualify for a PUD <p>Minimum Site Frontage:</p> <ul style="list-style-type: none"> • 100 feet on a Public Street with access from said Public Street to qualify for a PUD <p>Maximum Site Coverage:</p> <ul style="list-style-type: none"> • Square footage of all primary and accessory structures and impervious surface cannot exceed 70% of the site area <p>Minimum Open Space:</p> <ul style="list-style-type: none"> • 20% (gross area) for Planned Unit Developments.
		<p>Site Plan:</p> <ul style="list-style-type: none"> • The proposed site plan must indicate each permitted use, including number of lots, size of lots, setbacks, and so forth, and for any non-residential use, must identify the specific type of commercial, office, or industrial use anticipated. Only uses specifically approved in the rezoning process and identified on the site plan shall be permitted.

7.3 Origination of Proposals

Any applicant may propose a Planned Unit Development District in accordance with the procedures established in this Article. Further, the applicant making such a proposal must intend to act as developer or sponsor of the development. A parcel or site proposed for Planned Unit Development need not be under single ownership, but the applicant shall provide sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions that indicate that the development will be completed in its entirety as proposed.

7.4 Eligibility

To be eligible for Planned Unit Development consideration, the applicant must present a proposal for residential development that meets each of the following:

- A. **Recognizable benefits.** A Planned Unit Development shall result in a recognizable and substantial benefit, both to the residents of the property and to the overall quality of life in the County. The benefits can be provided through site design elements in excess of the requirements of this ordinance, such as high quality architectural design, extensive landscaping, transition areas between adjacent land uses, unique site design features, unified access, provision of social space, preservation of woodlands and open space, particularly along major thoroughfares, and buffering development from lakes, rivers, streams and wetlands. This benefit should accrue, in spite of any foreseeable detriments of the proposed development.
- B. **Uses proposed.** The uses proposed will have a beneficial effect, in terms of public health, safety, welfare or convenience or any combination thereof, on present and potential surrounding land uses. The uses proposed will encourage a more efficient use of public utilities and services and lessen the burden on circulation systems, surrounding properties, and the environment. This beneficial effect for the County (not the developer) shall be one which could not be achieved under any other single zoning classification. The zoning is warranted by the design and amenities incorporated in the development proposal.
- C. **Qualification requirements.** The proposed development shall provide at least one of the following open space benefits:
 1. **Significant natural assets.** The site contains significant natural assets such as woodlands, rolling topography with grades exceeding fifteen (15) percent, significant views, natural drainage ways, water bodies, floodplains, regulated or non-regulated wetlands, or natural corridors that connect quality wildlife habitats which would be in the best interest of the County to preserve and which might be negatively impacted by conventional residential development.
 2. **Recreation facilities.** If the site lacks natural features, it can qualify if the development will preserve existing or provide new recreation facilities and open spaces to which all residents of the development shall have reasonable access. Such facilities include areas such as a neighborhood park, plazas, golf course, passive recreational facilities, soccer fields, ball fields, bike paths or similar facilities which provide a feature of community-wide significance and enhance residential development.
 3. **Mixed use.** A site can qualify if the development will provide a complimentary and integrated mixture of uses, residential densities and housing

types. A project which proposes a combination of single-family detached and multiple-family housing or a mixture of compatible residential and commercial uses may be considered a Mixed Use Project. Such mixture of uses shall be integrated into a cohesive, pedestrian scale neighborhood.

4. **Infill development/redevelopment.** Land located within the older urbanized area of the County qualify for development as mixed use.

- D. **Guarantee of open space.** Usable open space shall be provided, as required herein. The applicant shall guarantee to the satisfaction of the County that all open space portions of the development will be maintained in the manner approved.
- E. **Cohesive neighborhood.** The proposed development shall be designed to create cohesive community neighborhoods through a network of spaces such as parks, plazas and common open space areas for passive or active recreation and resident interaction. All open space areas shall be equally available to all residents of the development.
- F. **Unified control.** The proposed development shall be under single ownership or control, such that there is a single person or entity having proprietary responsibility for the full completion of the project. The applicant shall provide sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions that indicate that the development will be completed in its entirety as proposed.
- G. **Density impact.** The proposed type and density of use shall not result in an unreasonable increase in the need for or impact on public services, facilities, roads, and utilities in relation to the use or uses otherwise permitted by this ordinance, and shall not place an unreasonable impact to the subject and/or surrounding land and/or property owners and occupants and/or the natural environment.
- I. **Parking.** Off-street parking sufficient to meet the minimum required by Article 6.32, Parking Standards, shall be provided.
- J. **Landscaping.** Landscaping shall be provided so as to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property. Landscaping and buffering sufficient to meet the minimum required by Article 6.34, Landscaping Standards, and Article 6.35, Buffer Yard Standards, shall be provided.
- K. **Circulation.** Vehicular and non-motorized (pedestrian) circulation, allowing safe, convenient, uncongested and well-defined/understandable circulation within and to the district, shall be provided.
- L. **Comprehensive plan.** The proposed development shall be consistent with and further the implementation of the Adopted Clayton County Comprehensive Plan and Future Land Use Map for the County.

7.5 Dwelling Density

- A. **Single-family residential.** Where the existing (pre PUD) zoning is single-family residential, the number of dwelling units allowable within a PUD shall be determined through preparation of a "parallel plan."
 - 1. The applicant shall prepare, and present to the County for review, a parallel plan for the project that is consistent with the County requirements and design criteria for a Preliminary Plat. The parallel plan shall meet all standards for lot size, lot width and setbacks as normally required under Article 3, Zoning District Intent, Uses, and Standards, open space requirements, public roadway improvements, and

contain an area which conceptually would provide sufficient area for storm water detention. Lots in the parallel plan shall provide sufficient building envelope size without impacting wetlands regulated by the State department of Environmental Quality.

2. The County shall review the design and determine the number of lots that could be feasibly constructed and be economically viable following the parallel plan. This number, as determined by the County, shall be the maximum number of dwelling units allowable for the PUD. The regulatory flexibility of a PUD may be allowed to cluster the dwellings on smaller lots or mix housing types, provided the overall density shall not exceed that determined in the parallel plan.

- B. **Multiple-family residential.** Where the existing (pre PUD) zoning is multiple-family residential, the density shall be the maximum allowed by the existing (pre PUD) zoning district.
- C. **Non-residential.** Where the existing (pre PUD) zoning is office, institutional, commercial, or industrial use, residential may be permitted at the density permitted, in lieu of the non-residential use, within the RM zoning district. Such density shall be permitted in those portions of the PUD proposed for residential use. Land areas of a PUD proposed exclusively for nonresidential use shall not be counted towards the maximum allowable density. Residential dwelling units may be permitted on the same site as nonresidential uses, provided designated residential parking shall be provided in addition to parking requirements for commercial uses, as identified within Article 6.32, Parking Standards (PK).

7.6 Area and Bulk Regulations

- A. **Basic regulations.** All regulations applicable to setbacks, parking and loading, general provisions, and other requirements shall be met in relation to each respective land use in the development based upon zoning districts in which the use is listed as a permitted, accessory, or conditional use. The height, bulk, and area conditions set forth in Article 3, Zoning District Intent, Uses and Standards, shall be used as guidelines for the use areas set forth in the PUD plan. Within a single-family residential PUD, lot sizes may be reduced below the minimum requirement of the existing (pre PUD) zoning district, provided that the open space within the PUD equals or exceeds the total area of lot size reduction.
- B. **Regulatory flexibility.** To encourage flexibility and creativity consistent with the intent of the PUD regulations, the County Board of Commissioners may permit specific departures from the requirements of the zoning ordinance for yards and lots as a part of the approval process. Any regulatory modification shall be approved through a finding by the County that the deviation shall result in a higher quality of development than would be possible using conventional zoning standards.
 - 1. A table shall be provided on the site plan which specifically details all deviations from the established zoning area, height and setback regulations, off-street parking regulations, general provisions, or subdivision regulations which would otherwise be applicable to the uses and development proposed in the absence of this PUD article. This specification should include ordinance provisions from which deviation are sought, and the reasons and mechanisms to be utilized for the protection of the public health, safety, and welfare in lieu of the regulations from which deviations are sought. Only those deviations consistent with the intent of this ordinance shall be considered.

7.7 Open Space Requirements

- A. **Common open space.** Common open space, other common properties and facilities, individual properties, and all other elements of a PUD district shall be planned so that they will achieve a unified open space, community green or plaza and recreation area system, with open space and all other elements in appropriate locations, suitably related to each other, the site and surrounding lands. All land within a development that is not devoted to a residential unit, an accessory use, vehicle access, vehicle parking, a roadway, an approved land improvement or a commercial use, shall be set aside as common land for community use, recreation or conservation. Grading in the open space shall be minimal, with the intent to preserve existing significant topographic features, where such resources exist.
- B. **Amount of open space.** A PUD shall maintain a minimum of twenty (20) percent of the gross area of the site as dedicated open space held in common ownership.
- C. **Recreational open space area.** At least one-half of the minimum required open space shall be usable, active recreational open space that is accessible to all residents of the PUD and not include any part of a golf course. Recreational facilities such as playgrounds, athletic fields, or picnic pavilions shall be provided at a minimum.
- D. **Areas not considered open space.** The following land areas are not included as dedicated open space for the purposes of this article:
 - 1. Area proposed as single-family residential lots.
 - 2. Area proposed to be occupied by multiple-family dwellings, including the minimum required setbacks around buildings.
 - 3. Any portion of the project used for office, institutional, commercial, or industrial purposes, including the minimum required setback around buildings.
 - 4. The area of any street right-of-way or equivalent private road easement.
 - 5. Any required stormwater detention or retention facilities.
 - 6. Any required landscapes strips and or buffers.
 - 5. Any submerged land area of a lake, river, stream or stormwater detention, or retention pond.
- E. **Location of open space.** Common open space shall be planned in locations visible and accessible to all in the PUD. The common open space may either be centrally located along the road frontage of the development, located to preserve significant natural features, or located to connect open spaces, such as parks, common greens, plazas or buffers, throughout the development.
- F. **Pedestrian Connections.** All open space areas and public spaces shall be linked with each other and with existing and future open spaces in adjacent development through the required sidewalk system or use of pedestrian pathways as identified within Article 6.14, Public Sites and Open Space Standards of the Subdivision Ordinance.
- G. **Protection of open space.** The dedicated open space shall be set aside by the developer through an irrevocable conveyance that is found acceptable to the County, such as: recorded deed restrictions, covenants that run perpetually with the land or conservation easements. Such conveyance shall assure that the open space will be protected from all forms of development, except as shown on an approved site plan, and shall never be changed to another use. The dedicated open space shall forever remain open space, subject only to uses approved by the County on the approved site plan. Further subdivision of open space land or its use for other than recreation or conservation purposes, except for easements for utilities and septic systems, shall be strictly prohibited.

- H. **Allowable structures.** Any structure(s) or building(s) accessory to a recreation use may be erected within the dedicated open space, subject to the approved open space plan.

7.8 General Procedure

The general procedure for establishing a Planned Unit Development (PUD) is as follows:

- A. Prior to filing a Planned Unit Development petition, the applicant must submit a sketch plan to the Zoning Administrator. The Zoning Administrator will make a cursory review of the sketch plan and give the applicant comments within ten (10) calendar days of submission. The Zoning Administrator may also convene a conference with representatives from the County and the applicant to discuss the application and review process. At this conference, the applicant will be provided with information regarding the procedural review requirements, design and development standards, submission requirements, and design and construction requirements for infrastructure and natural resource protection.
- B. The applicant then files a Conceptual Development Plan and all supporting application documentation with the Department of Community Development.
- C. The Technical Review Committee then reviews the Conceptual Development Plan and all supporting application documentation and provides comments to the applicant.
- D. The Conceptual Development Plan and all supporting application documentation are then placed on the agenda of the Zoning Advisory Group for a public hearing and for review of the Conceptual Development Plan.
- E. The Zoning Advisory Group then reviews and takes action on the Conceptual Development Plan and all supporting application documentation by recommending approval or disapproval to the Board of Commissioners of the Conceptual Development Plan. The Clayton County Board of Commissioners may then approve, disapprove or modify the Conceptual Development Plan and certify their decision to the Zoning Advisory Group.
- F. The applicant then files a rezoning petition requesting the Planned Unit Development classification and a Detailed Development Plan with the Department of Community Development. If a subdivision is required, a Preliminary Plat shall also be filed at this time and shall follow the appropriate procedures set forth in the Clayton County Subdivision Control Ordinance.
- G. The Technical Review Committee then reviews the application and provides comments to the applicant.
- H. The application is then placed on the agenda of the Zoning Advisory Group for a public hearing on the rezoning of the property and for review of the Detailed Development Plan and Preliminary Plat.
- I. The Zoning Advisory Group then reviews the petition and forwards a recommendation to the Board of Commissioners to grant or deny the rezoning request and the Detailed Development Plan.
- J. The Board of Commissioners reviews the rezoning petition and the Detailed Development Plan and the recommendation from the Zoning Advisory Group and votes to approve or disapprove the rezoning petition and the Detailed Development Plan.
- K. If the Board of Commissioners approves the rezoning and Detailed Development Plan, the land is officially rezoned.
- L. The Official Zoning Map is amended to reflect the zoning change, the date of approval by the Board of Commissioners, and the resolution number.

- M. When approved, the Detailed Development Plan shall be signed by the Zoning Advisory Group Chairman and/ or Vice-chairman. The applicant may then begin procedures for obtaining Erosion & Sedimentation Control Permit and Grading Permit. The Board of Commissioners must have approved the Detailed Development Plan prior to the issuance of any Erosion & Sedimentation Control Permit and Grading Permit. If a subdivision is required, the Preliminary Plat must also be approved prior to the issuance of an Erosion & Sedimentation Control Permit and Grading Permit.

7.9 General Application Requirements

All applications shall be obtained through the Department of Community Development. Fees shall be paid at the Planning and Zoning Office at the time petition is submitted.

- A. All applications shall be made on forms provided by the Zoning Administrator. All petitioners shall submit original applications which are completed in their entirety either in ink or typed. All applications shall be signed and notarized (if required).
- B. All petitioners shall submit copies of applications and necessary attachments as required by the adopted policies of the Zoning Administrator and the applicable Rules and Procedures of the Department of Community Development.
- C. All petitions shall be assigned a reference and/or docket numbers by the Zoning Administrator. Petition applications shall be scheduled by the Zoning Administrator for the appropriate public hearings based on the completeness of the application consistent with the requirements of this Article and the appropriate adopted calendar of filing and meeting dates for the Technical Review Committee, Zoning Advisory Group, and/ or Board of Commissioners.

7.10 Conceptual Development Plan Filing and Review

- A. **Application:** The petitioner shall submit a Conceptual Development Plan review application, affidavit and consent of property owner (if the owner is someone other than the petitioner), a deed for the property involved, the required filing fee, the Conceptual Development Plan, and supporting information. Supporting information shall include, but not be limited to the following:
 1. A vicinity map showing the use and zoning of all properties within 1,320 feet of the property subject to the Conceptual Development Plan.
 2. A map of any property adjacent to the property included in the Conceptual Development Plan which is owned or otherwise controlled by any or all of the petitioners and a description of the future development of that property and its relationship with the Conceptual Development Plan.
 3. A letter verifying that proper waste disposal will be available to the property.
 - a. For proposals using septic systems, a letter from the Clayton County Board of Health shall be provided verifying that the site of the proposed planned unit development is appropriate for use of septic systems and that the proposed development conceptually can be adequately served.
 - b. For proposals using public sewers, a letter from the Clayton County Water Authority or other service provider shall be included verifying that the proposed planned unit development can be served.
- B. **Conceptual Site Plan Data:** The scale of the plan shall not exceed 1"=100'. The Conceptual Development Plan may include any additional graphics which will explain the features of the development, but shall include the following:
 1. A description of the property and petitioners involved, including:
 - a. the name and address of the applicant;

- b. the proposed name of development;
 - c. the address of the site (if applicable);
 - d. a legal description of the property;
 - e. the name, address, telephone number, and professional stamp of the land surveyor or engineer responsible for the preparation of the Conceptual Development Plan;
 - f. a legend and notes, including a graphic scale, north point, and date;
 - g. Additional information required by the Zoning Administrator or other County Official; and
 - h. Any other information that the Petitioner deems appropriate.
2. The proposed land use areas, including total acreage and total dwelling units if any, of the following:
- a. Detached single-family residential land use areas not to exceed 5.0 units per acre.
 - b. Multiple family residential land uses areas at a density of 5.0 to less than 12.0 units per acre.
 - c. Multiple family residential land use areas at a density of 12.0 to less than 20.0 units per acre.
 - d. Multiple family residential land use areas at a density of 20.0 or more units per acre.
 - e. Shopping center commercial land use areas, including gross leasable area.
 - f. Commercial areas for free standing buildings, including minimum lot size.
 - g. Industrial land use areas.
 - h. Public and quasi-public land use areas, including sites for schools, parks, playgrounds, water retention facilities, and community facilities.
3. A description of all existing and proposed conditions of the subject property and adjacent properties within 400 feet of the subject property, including:
- a. the existing and proposed layout of streets, open space and other basic elements of the plan;
 - b. all existing and proposed easements and their purpose;
 - c. the location of natural streams, regulated drains, 100-year floodplains, floodways, water courses, marshes, wooded areas, isolated preservable trees, wetlands, historic features, existing structures, dry wells, utility lines, fire hydrants, and any other significant feature(s) on the site and within 400 feet adjacent to the site that may influence the design of the development ;
 - d. a general description of the location and types of structures on the subject site and adjacent sites within 200 feet of the subject site, including the distances between the structures, their setbacks, and lot coverage;
 - e. proposals and plans for handling traffic, parking, sewage disposal, tree preservation and removal, lighting, signage, landscaping, and other pertinent development features;
 - f. a general statement of the covenants and written commitments to be made a part of the Planned Unit Development. As well as the order and estimated time of development;
 - g. a statement of the proposed order of development of the major elements of the project, including phasing, if applicable, and the order and content of each phase;
 - h. the land use categories within the development, including setbacks, building square footage, and building envelopes;

- i. A topographic survey of the area with contour lines a maximum of 2 feet apart; and,
 - j. A utilities plan, including storm sewer, sanitary sewer, water, and general drainage.
- C. **Technical Review:** The application materials shall be reviewed by the Technical Review Committee, consistent with the provisions of Article 12 of this Ordinance, in a meeting scheduled based on the adopted calendar of meeting and filing dates.
 - 1. Either the petitioner(s) or a representative of the petitioner(s) shall be present during the review to answer questions regarding the petition.
 - 2. Any revisions to the application materials or the proposal requested by the Committee shall either be addressed during the review meeting or through revised application materials submitted prior to the Zoning Advisory Group hearing.
- D. **Public Meeting Notification:** Notification for the scheduled public hearing regarding the Conceptual Development Plan request shall be completed consistent with the requirements of Article 13 of this Ordinance.
- E. **Zoning Advisory Group Public Hearing:** The Zoning Advisory Group will, in a public hearing scheduled consistent with the adopted calendar of filing and meeting dates, review the application and required supportive information.
 - 1. Either the petitioner or a representative of the petitioner must be present at the public hearing to present the petition and address any questions the Zoning Advisory Group may have.
 - 2. The Zoning Advisory Group shall consider a report from the Zoning Administrator, testimony from the petitioner, and testimony from the public and interested parties at the hearing.
 - 3. The presentation of reports and testimony and all other aspects of the public hearing shall be consistent with the requirements of the Rules and Procedures of the Zoning Advisory Group.
 - 4. Upon review, the Zoning Advisory Group may recommend approval, recommend denial, or table the petition.
 - a. The petition may be approved if it is found to be consistent with all applicable requirements of this Ordinance and the Clayton County Comprehensive Plan. The Zoning Advisory Group may accept or require written commitments from the petitioner as part of the approval. The Zoning Advisory Group shall then certify its recommendation to the Board of Commissioners within ten (10) calendar days of its decision and shall be heard at a public hearing within sixty (60) calendar days of its certification by the Zoning Advisory Group. The Zoning Administrator shall forward to the Board of Commissioners appropriate copies of the Zoning Advisory Group's Resolution, the original application and all supporting information, and any staff reports regarding the petition for the Board of Commissioners' consideration.
 - b. The petition may be denied if it is found to be inconsistent with the applicable requirements of this Ordinance and/or the Clayton County Comprehensive Plan.
 - c. The petition shall be tabled consistent with the adopted Rules and Procedures of the Zoning Advisory Group.
- F. **Board of Commissioners' Hearing:** The Board of Commissioners shall hold a public hearing and vote on the proposed Conceptual Site Plan within sixty (60) calendar days of its certification by the Zoning Advisory Group.
 - 1. The Board shall provide notification of action on the Ordinance consistent with

- Georgia State Code and Article 13 of this Ordinance.
2. The Board of Commissioners may either approve or deny the Conceptual Site Plan consistent with the decision criteria provided by Section 7.12 of this Article. The Board may also seek modifications or additions to any written commitments as described in this Article.
 3. If the Board of Commissioners denies the application, the applicant may re-file a revised Conceptual Development Plan within ninety (90) calendar days to be reviewed and reconsidered by the Technical Review Committee and the Zoning Advisory Group following the process specified above. The petitioner shall provide written notice of their intentions to re-file to the Zoning Administrator within thirty (30) calendar days of the Board of Commissioners decision. Any petition which is denied and not re-filed consistent with these provisions shall not be re-filed for a period of one (1) year from the date of the denial.

7.11 Detailed Development Plan Filing and Review:

- A. **Application:** The petitioner shall submit a Planned Unit Development Rezoning & Detailed Development Plan Review application, affidavit and consent of property owner (if the owner is someone other than the petitioner), a deed for the property involved, the required filing fee, the Detailed Development Plan, and supporting information. The Detailed Development Plan filing must occur within 6 months of the Conceptual Development Plan approval, or the process shall be required to begin again with the filing of the Conceptual Development Plan described above. Supporting information shall include, but not be limited to the following:
 1. A vicinity map showing the use and zoning of all properties within 1,320 feet of the property subject to the Conceptual Development Plan.
 2. A map of any property adjacent to the property which is subject to this Detailed Development Plan owned or otherwise controlled by any or all of the petitioners, and a description of the future development of that property and its relationship with the Conceptual Development Plan.
 3. A letter verifying that proper waste disposal will be available to the property.
 - a. For proposals using septic systems, a letter from the Clayton County Board of Health shall be provided verifying that the site of the proposed planned unit development is appropriate for use of septic systems and that the development will be adequately served.
 - b. For proposals using public sewers, a letter from the Clayton County Water Authority or other service provider shall be included verifying that the proposed planned unit development will be served.
 4. If a subdivision plat is necessary in conjunction with the rezoning petition, the Preliminary Plat shall also be filed at this time for review by the Department of Community Development following the procedures established by the Clayton County Subdivision Control Ordinance. Any such Preliminary Plat approval shall be conditioned subject to the Board of Commissioners approving the rezoning to a Planned Unit Development district.
 5. Any covenants, conditions, and restrictions to be recorded for the development.
 6. A statement indicating financial responsibility sufficient to complete the public improvements shown on the Detailed Development Plan.
- B. **Fee Establishment:** Independent consultants or companies may be retained by the Clayton County Board of Commissioners or the Zoning Advisory Group to seek assistance to properly review the proposed Planned Unit Development. The cost of such review shall be reimbursed to the Department of Community Development by the petitioner. The petitioner shall be advised of the estimated fees and costs and may

withdraw their request from consideration at that time. All reasonable consultant and other fees required by this Ordinance to be paid by the petitioner shall be paid on an on-going monthly basis throughout the entire Planned Unit Development approval process, with the last payment due within 30 calendar days of the conclusion of a final decision on the Detailed Development Plan. All required fees must be paid regardless of whether the proposed Planned Unit Development is approved, amended, rejected, or withdrawn.

- C. **Detailed Development Plan Data:** The scale of the plan shall not exceed 1"=100'. The Detailed Development Plan may include any additional graphics which will explain the features of the development, but shall include the following,
1. The following shall be included in the Detailed Development Plan submission:
 - a. All documents and information included in the Conceptual Development Plan, as updated and/ or amended.
 - b. Written approval from the Clayton County Water Authority, or any other service provider.
 - c. A landscaping plan, drawn to scale and bearing the seal of a registered landscape architect, architect, engineer, or surveyor showing all required and proposed landscaping in the site interior, in and adjacent to parking areas, in buffer yards, and street trees. The landscaping plan shall include the identification of the height of the plantings from ground level at the time of installation and the species proposed to be used to meet the requirements of this Ordinance.
 - d. A lighting plan, providing the location, type and height of all freestanding, building-mounted and canopy light fixtures, and all existing and proposed sign lighting. A photometric grid overlaid on the proposed site plan shall also be included indicating the overall light for intensity throughout the site.
 - e. A sign plan showing the location, height, and dimension of all permanent signs and indications of appropriate locations, heights, and sizes of any anticipated temporary signs.
 - f. A site drainage plan that bears the seal of a professional architect engineer or land surveyor including all calculations required by the Clayton County. All Site Development Plans shall be subject to the approval of the Clayton County Water Authority.
 - g. A detailed statement of the characteristics and operation of the development, including the projected population densities, presence of any adult uses, and number of potential employees. The detail statement shall include any written commitments being made regarding the Detailed Development Plan.
 - h. Proposed covenants and written commitments.
 2. The compilation of information shall:
 - a. Include an index identifying all documents included in the Detailed Development Plan.
 - b. Include a cover sheet indicating that it is the Detailed Development Plan and indicating the date.
 - c. Be bound together with all documents submitted on paper 8-1/2 x 11 inches in dimension, except for the maps, sketches, plans and conceptual layout(s) which must be folded to 8 1/2 x 11 inches.
- D. **Technical Review:** The application materials shall be reviewed by the Technical Review Committee, consistent with the provisions of Article 12 of this Ordinance, in a meeting scheduled based on the adopted calendar of meeting and filing dates.
1. Either the petitioner(s) or a representative of the petitioner(s) shall be present during the review to answer questions regarding the petition.

2. Any revisions to the application materials or the proposal requested by the Committee shall either be addressed during the review meeting or through revised application materials submitted prior to the Zoning Advisory Group hearing.
- E. **Public Meeting Notification:** Notification for the scheduled public hearing regarding the Rezoning and Detailed Development Plan request shall be completed consistent with the requirements of Article 13 of this Ordinance.
- F. **Zoning Advisory Group Public Hearing:** The Zoning Advisory Group will, in a public hearing scheduled consistent with the adopted calendar of filing and meeting dates, review the application and required supportive information.
1. Either the petitioner or a representative of the petitioner must be present at the public hearing to present that petition and address any questions the Zoning Advisory Group may have.
 2. The Zoning Advisory Group shall consider a report from the Zoning Administrator, recommendation from the Technical Review Committee, testimony from the petitioner, and testimony from the public and interested parties at the hearing.
 3. The presentation of reports and testimony and all other aspects of the public hearing shall be consistent with the requirements of the Rules and Procedures of the Zoning Advisory Group.
 4. Upon review, the Zoning Advisory Group may table the petition or give a recommendation to the Board of Commissioners to grant or deny the Rezoning and Detailed Development Plan.
 - a. The petition shall be forwarded with a favorable recommendation if it is found to be consistent with the decision criteria listed in Section 7.12 of this Article. The Zoning Advisory Group may accept or require written commitments from the petitioner as part of any rezoning or Detailed Development Plan approval.
 - b. The petition shall be forwarded with an unfavorable recommendation if it is found to be inconsistent with the decision criteria listed in Section 7.12 of this Article.
 - c. The petition shall be tabled consistent with the adopted Rules and Procedures of the Zoning Advisory Group.
 5. If the Zoning Advisory Group gives an unfavorable recommendation, the applicant may re-file a revised Detailed Development Plan within 90 calendar days to be reviewed and reconsidered by the Technical Review Committee and the Zoning Advisory Group following the process specified above. The petitioner shall provide notice to the Zoning Administrator within ten (10) calendar days of the Zoning Advisory Group's decision of their intentions to re-file, withdraw the petition, or proceed with the hearing by the Board of Commissioners. An application may be withdrawn without prejudice up to and including the date of the Zoning Advisory Group meeting. Withdrawal subsequent to that time shall mean such application may not be resubmitted for consideration for a period of six (6) months, counting from the date of withdrawal to the date of the renewed application. Unless withdrawn at a hearing, the withdrawal must be in writing, signed and dated by the applicant.
 6. The Zoning Advisory Group shall certify its recommendation on the Rezoning and Detailed Development Plan by resolution to the Board of Commissioners within 10 calendar days of its decision. The Zoning Administrator shall forward to the Board of Commissioners appropriate copies of the Zoning Advisory Group's resolution, the original application and all supportive information, any

staff reports regarding the petition, and Ordinance for the Board of Commissioners' consideration.

- G. **Board of Commissioners' Hearing:** The Board of Commissioners shall hold a public hearing and vote on the proposed Planned Unit Development rezoning and the Detailed Development Plan within sixty (60) calendar days of its certification by the Zoning Advisory Group.
1. The Board shall provide notification of action on the amendment consistent with Georgia State Code and Article 13 of this Ordinance.
 2. The Board of Commissioners may either approve or deny the Rezoning and Development Plan consistent with the decision criteria provided by Section 7.12 of this Article. The Board may also seek modifications or additions to any written commitments as described in this Article.
 3. If the Board of Commissioners disapproves the rezoning, the applicant must wait 1 year before resubmitting another petition.
 4. If the Board of Commissioners approves the rezoning, the land is officially rezoned.
 5. The Official Zoning Map must be amended to reflect the zoning change, date of approval by the Board of Commissioners, and the resolution number.
- H. **Detailed Development Plan Implementation:** The implementation of a Detailed Development Plan must be consistent with the following provisions:
1. When approved, the Detailed Development Plan shall be signed by the Board of Commissioners' Chairman and/ or Vice-Chairman.
 2. All written commitments shall be recorded with the Clayton County Clerk of Superior Courts and must clearly state that they are enforceable by the Board of Commissioners.
 3. Detailed Development Plan approval is required prior to the issuance of an Erosion & Sedimentation Control Permit or Grading Permit.
 4. If a subdivision plat is required, the Construction Plans must be approved prior to the issuance of an Erosion & Sedimentation Control Permit or Grading Permit.
 5. The Department of Community Development, Department of Transportation and Development, or any other reviewing department may specify any additional plan documentation or supporting information not already stated that is required prior to the issuance of an Erosion & Sedimentation Control Permit or Grading Permit.
 6. Upon one hundred (100) percent completion of the development the public improvements shall be dedicated to the County if required or allowed by the Detailed Development Plan. Also, the Zoning Administrator and Director of Transportation and Development, or his/ her designee, may review the completed project for compliance with the Detailed Development Plan.

7.12 Decision Criteria

In reviewing the Planned Unit Development rezoning petition, the Zoning Advisory Group and Board of Commissioners shall pay reasonable regard to the following:

- A. The extent to which the proposal fulfills the purpose and intent of this Article.
- B. The Clayton County Comprehensive Plan and any other applicable, adopted planning studies or reports;
- C. The current conditions and the character of current structures and uses in each zoning district;
- D. The most desirable use of which the land in each district is adapted;
- E. The conservation of property values throughout Clayton County; and

F. Responsible growth and development.

7.13 Zoning Conditions

- A. **Proposed Zoning Conditions:** The Board shall have the authority to impose zoning conditions on any rezoning application. Additionally, the petitioner in any rezoning application may suggest proposed zoning conditions relating to ameliorating the negative characteristics of the proposed future use of the subject property, or relating to the resolution of outstanding issues in existence on the subject property.
1. Proposed conditions may be submitted by the petitioner as an element of the initial submittal of application materials, as a response to comments made through the Technical Review Committee, or in response to any modifications requested by the Zoning Advisory Group during the public hearing.
 2. The members of the Department of Community Development, the Zoning Advisory Group, or the Board of Commissioners may also suggest proposed zoning conditions.
 3. The Board of Commissioners shall consider all proposed zoning conditions in its review of the rezoning application. At the Board of Commissioners request, any deletion, addition, or alteration of the proposed zoning conditions may be referred back to the Zoning Advisory Group for consideration and inclusion in a revised or affirmed recommendation regarding the application.
 4. Final action on any rezoning application may include approval with or without zoning conditions, tabling for more information, denial or approval of a different zoning classification than initially proposed. Zoning conditions may also be modified. Zoning conditions should be in writing or clearly stated for the record, and should be kept with the minutes of the rezoning. The zoning map shall be annotated to indicate a conditional rezoning. Zoning conditions shall be recorded in the deed records to provide further notice.
 5. Any zoning conditions imposed shall be considered part of this zoning amendment binding on the subject property. Zoning conditions shall be binding on the owner of the subject property, any subsequent owners of the subject property, and any person or entity that acquires an interest in the subject property or portion thereof. Zoning conditions shall be enforceable by the Clayton County Department of Community Development and the Board of Commissioners consistent with the adopted provisions for the enforcement of any aspect of this zoning amendment.
 6. Zoning conditions may be modified only through the Zoning Amendment process described in this ordinance.

7.14 Minor Modifications

The Zoning Administrator shall have the authority, in the administration of the Planned Unit Development, to approve minor modifications of the Detailed Development Plan without a public hearing in a manner consistent with the purpose or intent of the overall development. Minor changes are those that implement only slight alterations to the approved conditions, made necessary by actual field conditions at the time of development, that do not alter the impact of the development on nearby properties nor the intent or integrity of the conditions as originally imposed. Any request for minor change of the Detailed Development Plan shall be made in written form to the Zoning Administrator. Furthermore, the request for minor change shall be accompanied by copies of the revised Detailed Development Plan.

Any major change to conditions attached to an approved Detailed Development Plan shall require an application and hearing before the Zoning Advisory Group and the Board

of Commissioners as is required in this Ordinance for amendments to the Planned Unit Development distinct. Without limiting the meaning of the phrase, the following shall be deemed to constitute "major change" for purposes of interpreting this section:

1. The movement of any building or structure adjacent to an exterior boundary line, closer to the boundary line of the property;
2. Any increase in the number of dwelling units or any increase in the total amount of floor space of any nonresidential building;
3. Any change in any buffer requirement(s) imposed in the original conditional zoning amendment;
4. Any increase in the height of any building or structure; or
5. Any change in the proportion of floor space devoted to different authorized uses.

An adversely affected party may appeal any decision by the Zoning Administrator to the Board of Zoning Appeals within thirty (30) calendar days of the determination. The Board of Zoning Appeals has the authority to establish rules governing the nature of proceedings and notice required to make a modification under this Article.

7.15 Covenants and Maintenance

Covenants, when required by the Board of Commissioners, shall be set forth in detail. Furthermore, covenants shall provide for the release of restrictions upon execution of a document so stating and suitable for recording bearing signatures of the Board of Commissioners' Chairman and/ or Vice Chairman, upon authorization by the Board of Commissioners, and signatures of all the owners of property in the area involved in the petition for whose benefit the covenant was created. Covenants required by the Board of Commissioners shall provide that their benefits be specifically enforceable by the Department of Community Development. An executed recorded copy shall be provided to and maintained in the Community Development Department office.

- A. Adequate provisions shall be made for a private organization (i.e., Home Owner's Association) with direct responsibility to, and control of, the property owners involved to provide for the operation and maintenance of all common facilities if such facilities are a part of the Planned Unit Development; and, in such instance legal assurances shall be provided which show that the private organization is self-perpetuating.
- B. All common facilities not dedicated to the public shall be maintained by the private organization in such a manner that adequate access is provided at all times to vehicular traffic so that fire, police, health, sanitation, and public utility vehicles can serve the contiguous and adjacent properties. All streets and roadways not dedicated to the public shall be operated and maintained at no expense to any governmental unit.

7.16 Recording

All approved Detailed Development Plans, covenants, written commitments, plats, and modifications thereof shall be recorded in the office of the Clayton County Clerk of Superior Court within ten (10) calendar days of approval. The developer shall provide two (2) copies bearing recording information to the Department of Community Development for its records.

7.17 Construction Site Plan Application and Review Procedure

- A. **Application Requirements:** It shall be the responsibility of the petitioner to prepare and have certified, by a registered professional engineer in the State of Georgia, a

complete set of Construction Site Plans, including profiles, cross-sections, specifications, and other supporting data for all required public streets, utilities, and other facilities. The applicant shall file an application for Construction Plan approval and the specified number of copies with the Department of Transportation and Development. This application shall:

1. Be made on forms available at the Department of Transportation and Development and be signed and notarized by the owner and developer;
 2. Be accompanied by the specified number of copies of the Construction Site Plans meeting the requirements provided by the Department of Transportation and Development; and
 3. Be accompanied by a fee in the amount established by the adopted fee schedule.
- B. **Processing Standards:** No application shall be processed until the application is filled out correctly and all applicable attachments are presented to the Director of Transportation and Development.
- C. **Technical Review Committee:** The Director of Transportation shall contact the Zoning Administrator to place the application for Construction Site Plan Approval on the agenda for the applicable meeting of the Clayton County Technical Review Committee and distribute copies of the submittals to the Committee members.
1. The applicant shall be responsible for obtaining the necessary approvals of utility providers, or other county, state, or federal agencies not represented on the Technical Review Committee.
 2. In reviewing the application, the Technical Review Committee shall consider whether or not the Construction Plans meet the requirements of the Detailed Development Plans, this Ordinance, and any other adopted and applicable construction standards or common engineering practices, and are consistent with the approved Preliminary Plat.
 3. The Technical Review Committee shall make comments regarding the application and either approve, approve with modifications, table and recommend modifications, or deny the Construction Site Plan approval request.
 - a. The Technical Review Committee shall approve the Construction Site Plans if they are consistent with the approved Detailed Development Plans and all applicable provisions of this Ordinance, other applicable construction standards, and common engineering practices.
 - b. The Technical Review Committee shall approve the Construction Site Plans with modifications if minor modifications are required for the plans to be consistent with the approved Detailed Development Plans and all applicable provisions of this Ordinance, other applicable construction standards, and common engineering practices. Minor modifications are those which can be adequately agreed upon by the Technical Review Committee and the applicant at the Technical Review Committee meeting and which do not impact other aspects of the development's construction which would require subsequent review. The specified modifications shall be made by the petitioner and the specified number of Construction Site Plan sets provided to the Director of the Department of Transportation and Development within 90 calendar days of the Technical Review Committee meeting.
 - c. The Technical Review Committee shall table and recommend modifications to Construction Site Plans which require significant modifications to be consistent with the approved Detailed Development Plans, all applicable provisions of this Ordinance, and other applicable construction standards, and common engineering practices. The petition shall be placed on the agenda for the next applicable Technical Review Committee meeting. The

petitioner shall provide the specified number of revised sets of Construction Site Plans to the Director of The Department of Transportation and Development for review prior to that meeting consistent with the adopted calendar of meeting and filing dates. The Director shall notify the Zoning Administrator of the receipt of the Construction Site Plans for placement on the next available agenda for the Technical Review Committee Meeting and distribute copies of the submittals to the Committee members.

- d. The Technical Review Committee shall deny the Construction Site Plans if they are found to be generally inconsistent with the approved Detailed Development Plans and any applicable provisions of this Ordinance, construction standards, and common engineering practices. Applicants may again apply for Construction Site Plan approval following a denial, and shall be required to pay all applicable fees consistent with the procedure for original petitions established by this Ordinance.
4. Upon approval of Construction Plans by the Technical Review Committee, the Director and/ or Zoning Administrator shall mark one set as “approved” and return it to the applicant with a Soil Erosion & Sedimentation Control Permit and/ or Grading Permit for the approved construction.

7.18 Specifications for Construction Plan Documents to be Submitted

The Construction Plans shall be based on the approved Detailed Development Plans. Construction Plans shall be prepared for all required improvements. Construction Plans shall be submitted in both paper (hard copy) and electronic format (on a disk in a format specified by the Department of Transportation and Development). Plans shall be drawn on standard 24 inch by 36 inch sheets at a scale of no less than 1 inch equaling 50 feet. The plans shall show the following:

- A. A map noting significant physical and topographical features of the tract. For plats containing more than two lots, a topographical map at typical intervals of 2 feet contours, which shall be extended 400 feet beyond the boundary lines of the proposed tract, shall be submitted. This map shall also show the direction of the flow of surface water runoff to and from the site.
- B. Profiles showing existing and proposed elevations along center lines of all streets. Where a proposed street intersects an existing street or streets, the elevation along the center line of the existing street or streets within one 100 feet of the intersection shall be shown. Radii of all curves, lengths of tangents, central angles on all streets, and the intersection details shall be shown.
- C. Plans and profiles showing the location and typical cross-section of streets including curbs, gutters, sidewalks, rights-of-way, drainage facilities, manholes, and catch basins. Plans shall also show the location, size, and invert elevations of existing and proposed sanitary sewers, storm water drains, water lines, gas, and fire hydrants, showing connection to any existing or proposed utility systems.
- D. Location, size, elevation, and other appropriate descriptions of any other existing physical and natural features or facilities including features noted on the official map of local government, trees, the points of connection to proposed facilities and utilities, and the approximate high- and low-water elevations of all ponds, lakes, and streams.
- E. Any other construction details required to be shown by the Zoning Administrator, or Technical Review Committee.

7.19 Completion of Improvements

The petitioner shall obtain from the Department of Transportation information regarding the current Clayton County policies regarding the installation and inspection of public improvements. The applicant shall construct the development, or section thereof, consistent with the approved Construction Plans, and the policies and procedures of the appropriate inspecting agencies or persons. No site work or earthwork shall be allowed until an Erosion and Sedimentation Control Permit and Grading Permit has been issued.

- A. All required improvements shall be made by the petitioner, at his/her expense, without reimbursement by the local government or any improvement district therein.
- B. The petitioner shall be required to retain at his/her expense a licensed civil engineer or surveyor who shall certify that the construction is in compliance with the approved Construction Site Plans..
- C. If the Department of Transportation and Development or any other County reviewing agent finds upon inspection that any of the required improvements have not been constructed in accordance with the construction standards and specifications, the petitioner shall be responsible for correcting any errors in construction and completing the improvements in accordance with such standards and specifications. Wherever the cost of improvements is covered by a performance surety, the petitioner and the bonding company shall be severally and jointly liable for completing the improvements according to the appropriate specifications.

7.20 Extension, Abandonment, Expiration

Upon the abandonment of a development authorized under this section (abandonment shall be deemed to have occurred when no, or minimal, improvements have been made pursuant to the approved Detailed Development Plan for 6 consecutive months), or upon the expiration of one (1) year from the approval of the Detailed Development Plan for a development which has not been completed, the Board of Commissioner may rezone the property to the previous zoning district or any other zoning classification with proper public notice and action as described by this Ordinance.

Upon abandonment of a development, the Zoning Administer shall contact the property owner of the expiration of one (1) year. Prior to the public hearing, the owner may provide the Zoning Administrator with any documentation for consideration by the Board of Commissioners. If official documentation is provided, the Board of Commissioners shall pay reasonable consideration to the following occurrences:

1. Substantial monetary value placed into the development of the land,
2. A delay resulting from court action involving the property in question,
3. Non-availability of utilities or facilities resulting from government inaction, and
4. A delay in development resulting from receiving permitting and proper approval from a Federal or State Agency.

An extension, not to exceed twelve (12) months, for accomplishing any matters set forth within this Article may be granted by the Board of Commissioners for good cause shown.

7.21 Rules of Procedure

All proceedings brought under this section are subject to the Rules of Procedure of the Board of Commissioners, where not described otherwise herein.

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Sign Standards



Article Eight: Sign Regulations (SS)

8.1 Intent

The intent of this Article is:

- to further the goals of the Comprehensive Plan;
- avoid the proliferation of signage;
- encourage signs to be compatible with the scale of buildings and the surrounding features;
- to regulate the location, manner, and structure of signs, without regulating speech or sign content;
- maintain and enhance the aesthetic environment of the County;
- eliminate potential hazards to motorists and pedestrians resulting from signs;
- to achieve the above stated goals while also offering ample and adequate speech opportunities in each zoning district; and
- to promote the health, safety, and welfare of the residents of Clayton County.

General Sign Standards

8.2 General Sign Standards

GS-01: This General Sign Standards section applies to all of the zoning districts.

A. **Enforcement:** This chapter is to be generally administered and enforced by the Zoning Administrator and/ or their representatives or designees, including, but not limited to, the Clayton County law enforcement and code enforcement personnel.

B. **Inspections:** The Zoning Administrator, or his representative, may inspect at any time each sign regulated by the provisions herein. The Zoning Administrator is empowered to revoke any permit issued upon failure of the sign owner or lessee to comply with the provisions of this chapter.

C. **Violations:** Violations of this chapter shall be considered as a violation of the Zoning

Ordinance and be subject to such penalties and enforcement actions as provided therein.

D. Sign Permits. Except as otherwise provided in this Article, it shall be unlawful for any person to erect, construct, enlarge, move or convert any sign in the county or cause the same to be done without first obtaining a sign permit and/or a building permit from the Zoning Administrator for each such sign from the County. This shall not be construed to require any permit for a change of copy of any sign, substitution of poster panels, nor for the repainting, cleaning and other normal maintenance or repair of a sign or sign structure for which a permit has previously been issued, so long as the sign or sign structure is not modified in any way.

E. Building Permits. Signs using electrical wiring and connections (i.e. illuminated signs), as well as signs larger than 4 square feet, require a building permit, and the Clayton County Building Inspector should be contacted regarding such signs.

F. Other Permits or Approvals. Other County ordinances or state laws and regulations may be applicable to a sign.

G. Information Required. The sign registration shall be on forms provided by the Zoning Administrator, and shall provide the following information, as well as any additional information required by the Zoning Administrator:

1. The name and address of the property owner and sign owner, if different;
2. The address of the sign, and description of the parcel upon which the sign is located;
3. The zoning district of the property containing the sign;
4. Site plan showing the location of the sign on the lot, including indicating setbacks and distances to property lines and rights-of-way;
5. Elevation drawing showing the height and dimensions of sign face, and height of sign structure;
6. Square feet area per sign face and the aggregate square feet area if there is more than one sign face;
7. Plans, specifications and structural details showing the type and manner of construction, attachment to buildings or in-ground erection; and
8. The registration must be signed by either the property owner or sign owner.

H. Permit Fees: Permit fees and application forms and all supporting documentation shall be filed with Clayton County Community Development Department and the County shall complete review of the application within 30 calendar days, notifying the applicant of its decision. If approved, the County shall issue a sign permit to the applicant. If denied, the Applicant may reapply, correcting deficiencies in the original application or file notice of appeal of the decision of the Zoning Administrator under the procedure outlined in Article 13, Administrative Appeal (AA), of the Zoning Ordinance of Clayton County. Furthermore, the Applicant may seek relief of this Article under the procedure outlined in Article 13, Variance (VA), of the Zoning Ordinance of Clayton County.

I. Legal Provision: Notwithstanding any provision by this article to the contrary where a sign is permitted by this Ordinance any message on such sign is permitted unless in violation of State law.

8.3 Limitation Standards

A. The following location and setback standards shall apply:

1. The property owner must give permission for all sign placement on the owner's property. Signs are not permitted in the State or County right-of-way.
2. All signs and sign structures, except as noted below, must be setback at least ten (10) feet from the public right-of-way. No portion of a sign or sign structure erected on private property shall encroach on or overhang the public right-of-way

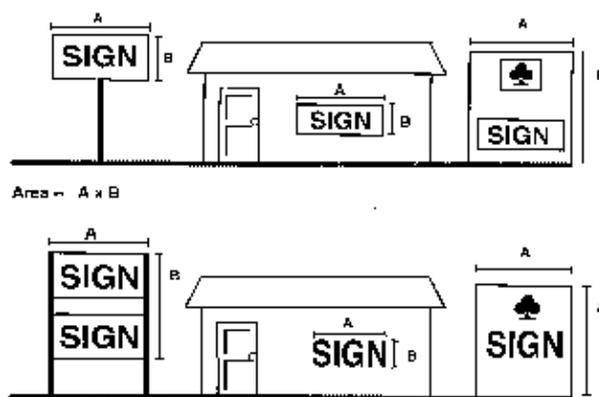
or any other person's property.

4. Entrance signs must comply with any applicable provision in the Manual on Uniform Traffic Control Devices, latest edition.

5. No sign on private property can be erected closer than fifty (50) feet to the right-of-way of Interstate Highway 75, 285, or 675.

6. Setbacks are measured from the closest portion of the sign (whether that is the base, sign face, or the sign structure) to the right-of-way.

- B. Height Limits:** Height limitations in this Article control over the general height limitations of this Ordinance, and apply to any structure that contains a sign. For example, a church spire or radio antenna with a sign would be subject to the height limitations of this Article, rather than general height limitations. Height limitations apply to both the sign and the sign structure, whichever is the tallest.
- C. Number:** For the purpose of determining the number of signs, ground signs shall be equal to the number of sign structures. All other non-ground signs shall be considered to be a single display surface or display device containing elements organized, related and composed to form a unit. Where matter is displayed in random manner without organized relationship of elements, such elements shall be considered to be a single sign.
- D. Illumination:** the following illumination standards shall apply:
1. Ground signs cannot be internally illuminated in any residential or agricultural zoning district. All signs may be externally illuminated. External illumination of any sign in any district shall be positioned and shielded so that the light source cannot be seen directly by any passing motorists or from adjacent dwellings or businesses.
 2. No illuminated signs shall be constructed or maintained within 200 feet of any single-family dwelling.
 3. Flashing, blinking or otherwise varying illumination is not permitted. No external or internal illumination that causes confusion with or distraction from any traffic signal or safety device shall be permitted. LED signs, LCD signs, Digital Signs, "TV" type signs, Electronic Variable Message Center (EVMC) signs, or similar signs with changing images or displaying moving pictures are not permitted.
 4. All externally illuminated signs shall utilize low wattage luminaries, mounted in fixtures designed to direct the light and eliminate light trespass, such as light shining into residences or other neighboring structures.
 5. All internally illuminated signs shall utilize low wattage luminaries designed to reduce light glow.
 6. All signs over ten feet in height shall be internally illuminated or illuminated by external lighting fixtures located above the sign area, firing downward, and not visible to passing motorists.
- E. Calculation of Area:** The area of a sign is calculated by determining the area of the smallest square or rectangle which encloses the sign face and the structure surrounding the sign face. For example, the pole or base would not be included, but any frame holding the sign face in place would be counted. See examples, below. However, this example is not a substantive regulation as to permissible types of signs:



Examples of Sign Face Area Measurements

- F. **Unusual Shaped Signs.** Unusual shaped signs are signs that are any shape other than a square or rectangle, and include signs with projecting elements or features, round, oval, and triangular signs, signs with more than four sides, signs in the shape of an animal, object, or device, and so forth. For all such signs, the area is calculated by calculating the area of the smallest rectangle that will completely enclose all elements of the sign face and sign structure supporting the face, not including the base.
- G. **Obscene Matter Prohibited.** It shall be unlawful for any person to display upon any sign or other structure any obscene matter, as defined in O.C.G.A. § 16-12-80.

8.4 Construction and Safety Standards

- A. **Prohibited Signs.** Signs which contain or are in imitation of an official traffic sign or signal, or can be confused with an official traffic sign, are prohibited.
- B. **Fire Safety.** No sign or sign structure may be erected or maintained which obstructs any fire escape, ventilation, or door; nor shall any sign or sign structure be attached to a fire escape.
- C. **Corner Visibility.** No sign or sign structure above a height of three feet shall be maintained within 15 feet of the intersection of the right-of-way lines of two streets or of a street intersection with a railroad right-of-way, or within the ASHTO clear zone as identified within Article 6.27, Sight Visibility Standards, whichever is greater.
- D. **Traffic Visibility and Safety.** No sign shall obstruct the traffic sight line, or the view of vehicles entering the roadway (i.e., the view of oncoming traffic by vehicles attempting to enter the road, or vice versa). No sign shall be erected on any traffic island. No sign shall create a traffic hazard. Sign locations shall be suggested by the Traffic Section of the Department of Transportation and Development if a safety question is raised by the Zoning Administrator.
- E. **Good Repair.** All signs, together with all their supports, braces, guys, and anchors shall be kept in good repair.
- F. **Temporary Sign Standards.** All temporary signs shall be made of waterproof material, and must be attached to an independent mounting device no more than forty

inches above ground level. The mounting must be secure to prevent the sign from blowing off the device. The mounting device shall bear the name and phone number of the party responsible for the device.

G. Removal of Illegal Signs. The County may remove a sign and otherwise in violation of this Ordinance, without giving notice to any party, if said sign is upon the public right-of-way or upon other public property.

H. Removal of Unsafe Signs. The County may remove or cause to be removed any sign that creates a safety hazard and otherwise in violation of this Ordinance, without giving notice to any party, if said sign is upon the public right-of-way or upon other public property.

8.5 Prohibited Sign Standards

A. The following types of signs are prohibited, as stated:

1. Roof Signs (which means signs mounted above a roof or projecting above the roof-line of a structure).
2. Rotating signs.
3. Portable signs (which means signs which are attached to vehicles, trailers, movable structures, or attached to sign structures which are not permanently anchored into the ground, or any sign which may be transported or is designed to be transported). Such signs include, but are not limited to, printed banners or billboards attached to vehicles and trailers. Inflatable figures and objects (e.g., creatures, beer cans) fall into this category.
4. Moving signs, or signs with moving parts. This includes, but is not limited to, animated signs involving motion or sound; “trivision”-type signs; signs with moving words; signs with waiving elements, whether motorized or wind-powered; or similar moving signs.
5. Signs with flashing or blinking lights. This includes, but is not limited to, signs of varying light intensity, and signs containing exposed neon tubing. Signs with reflective elements that sparkle in the sunlight or that contain luminous paint that glows in the dark are not allowed.
6. Changing copy signs and electronic signs. This includes, but is not limited to, signs displaying moving pictures or images; LED (light emitting diode) signs; LCD (liquid crystal display) signs; digital signs; “TV” type signs; EVMC (electronic variable message center) signs; “multiple message signs” as defined in O.C.G.A. § 32-6-71; signs with content that changes more than once daily; signs that spell words or create images with numerous small lights or other illumination; and similar electronic or digital signs.
7. Courtesy benches, trash cans, and similar devices displaying signs.
8. Trailer signs (which means signs mounted on trailers, exceeding two square feet).
9. Sidewalk, A-type, sandwich or curb-type signs placed on sidewalks.

B. Home Occupations. As stated in Article 6.10, Home Occupation Standards, any home occupation may not have a wall mounted sign exceeding 2 square feet, and must be attached to the primary structure. No off site signs or signs within the yard of the property shall be permitted.

Temporary Sign Standards

8.6 Temporary Signs Exempt from Permitting

The following signs are permitted in any zoning district without securing a sign permit from the Zoning Administrator; however, all requirements must be followed to remain as a legal sign.

- A. **Class 1 Temporary Signs:** Class 1 temporary signs are signs that may be erected after 6:00 p.m. on any Friday and must be taken down by 8:00 p.m. the following Sunday.
1. Class 1 temporary signs may not exceed three feet in height and four (4) square feet per side, and shall not be more than two-sided.
 2. Class 1 temporary signs must not be placed within ten (10) feet of the curb or pavement or within the public right-of-way.
 3. No more than one (1) class 1 temporary sign shall be permitted per 500 feet of road frontage, as long as it does not pose a traffic hazard nor create a nuisance, and comply with all other provisions of this ordinance (e.g. type, location, construction, etc.).
 4. Class 1 temporary signs erected in violation of this Ordinance may constitute a safety hazard and are subject to being removed without notice and being destroyed. Additionally, if such signs are erected unlawfully, or in improper areas, or beyond the permissible time frame, they are subject to being taken down and destroyed by the County without notice.
 5. Class 1 temporary signs must meet the construction standards of Section 8.4.
- B. **Class 2 Temporary Signs:** Class 2 temporary signs are permitted to be erected during any election cycle.
1. Class 2 temporary signs shall not exceed five (5) feet in height and thirty-two (32) square feet per side, and shall not be more than two-sided.
 2. Class 2 temporary signs must not be placed within ten (10) feet of the curb or pavement or within the public right-of-way.
 3. The election cycle is the time period starting 150 calendar days prior to any primary, special election, general election, or run-off, and ending 20 calendar days after the primary, special election, general election, or run-off, is held. Election cycles may overlap. "Election," as used herein, shall refer to Federal elections, Georgia statewide elections, Clayton County elections, or municipal elections for any City in Clayton County.
 4. Nothing in this section affects the regular sign ordinance provisions. Any message can be placed on Class 2 temporary signs. No more than one class 2 temporary sign shall be permitted per 100 feet of road frontage, as long as it does not pose a traffic hazard nor create a nuisance, and comply with all other provisions of this ordinance (e.g. type, location, construction, etc.).
 5. Signs erected in the beds of pick-ups trucks that identify a candidate or issue on the ballot are permitted during an election cycle, of not more than thirty-two (32) square feet.
 6. Class 2 temporary signs must meet the construction standards of Section 8.4.
- C. **Class 3 Temporary Signs:** Class 3 temporary signs are signs that may be erected on any parcel of land containing a non-residential zoning district or use of land.
1. Class 3 temporary signs may not exceed six (6) feet in height and thirty-two (32) square feet per side, and shall not be more than two-sided.
 2. Class 3 temporary signs must not be placed within ten (10) feet of the curb or pavement or within the public right-of-way.

3. Only one (1) class 3 temporary sign may be erected on each parcel of land, as long as it does not pose a traffic hazard nor create a nuisance, and comply with all other provisions of this ordinance (e.g. type, location, construction, etc.).
 4. Class 3 temporary signs may not be erected for more than 90 calendar days at one time, or exceed 180 calendar days per year.
 5. Class 3 temporary signs erected in violation of this Ordinance may constitute a safety hazard and are subject to being removed without notice and being destroyed. Additionally, if such signs are erected unlawfully, or in improper areas, or beyond the permissible time frame, they are subject to being taken down and destroyed by the County without notice.
 6. Class 3 temporary signs must meet construction standards of Section 8.4.
- D. **Class 3 Temporary Signs:** Class 3 temporary signs are signs that may be erected on any lot containing a non-residential zoning district or use of land.
1. Class 3 temporary signs may not exceed six (6) feet in height and thirty-two (32) square feet per side, and shall not be more than two-sided.
 2. Class 3 temporary signs must not be placed within ten (10) feet of the curb or pavement or within the public right-of-way.
 3. Only one (1) class 3 temporary sign may be erected on each parcel of land, as long as it does not pose a traffic hazard nor create a nuisance, and comply with all other provisions of this ordinance (e.g. type, location, construction, etc.).
 4. Class 3 temporary signs may not be erected for more than 90 calendar days at one time, or exceed 180 calendar days per year.
 5. Class 3 temporary signs erected in violation of this Ordinance may constitute a safety hazard and are subject to being removed without notice and being destroyed. Additionally, if such signs are erected unlawfully, or in improper areas, or beyond the permissible time frame, they are subject to being taken down and destroyed by the County without notice.
 6. Class 3 temporary signs must meet construction standards of Section 8.4.
- E. **Class 4 Temporary Signs:** Class 4 temporary signs are signs that may be erected on any parcel of land containing a residential zoning district or use of land.
1. Class 4 temporary signs may not exceed four (4) feet in height and sixteen (16) square feet per side, and shall not be more than two-sided. Total maximum area for all sign faces is limited to thirty-two (32) square feet (e.g., two (2), sixteen (16) square feet sign faces or some lesser combination).
 2. Class 4 temporary signs must not be placed within ten (10) feet of the curb or pavement or within the public right-of-way.
 3. No more than three (3) class 4 temporary signs may be erected on each parcel of land, as long as it does not pose a traffic hazard nor create a nuisance, and comply with all other provisions of this ordinance (e.g. type, location, construction, etc.). The total sign face area of all signs may not exceed 32 square feet.
 4. Class 4 temporary signs may not be erected for more than 90 calendar days at one time, or exceed 180 calendar days per year.
 5. Class 4 temporary signs erected in violation of this Ordinance may constitute a safety hazard and are subject to being removed without notice and being destroyed. Additionally, if such signs are erected unlawfully, or in improper areas, or beyond the permissible time frame, they are subject to being taken down and destroyed by the County without notice.
 6. Class 4 temporary signs must meet construction standards of Section 8.4.
- F. **Internal Signs:** Internal Signs are signs of no more than one (1) square foot, and no more than three (3) feet in height. Any number of such signs are permitted in

addition to all other signs permitted under this ordinance. However, the area of all such sign faces on a single lot, parcel, residence, development, business or property may not exceed four (4) square feet, and such signs may not aggregate to form on message.

- G. **Wall Mounted Signs:** Wall Mounted Signs may not exceed two (2) square feet of sign area per face. If not otherwise provided for in a specific zoning district, such wall mounted signs are restricted to a maximum of one (1) per establishment, with such to be attached to the front wall of the respective establishment to which it refers.
- H. **Window Signs:** Window signs may be erected as permitted within Articles 8.8 through 8.17, Permanent Sign Standards of this Article.
- I. **Official signs:** Signs of a governmental body, governmental agency or public authority shall be permitted.

8.7 Temporary Signs Requiring Permitting

The following signs are permitted in any zoning district, and shall secure a sign permit from the Zoning Administrator prior to erection.

- A. **Class 5 Temporary Signs:** Class 5 temporary signs are additional temporary signs allowed on any lot containing a non-residential zoning district or use of land.
 - 1. Class 5 temporary signs may be attached to a building façade or existing sign structure and shall have a maximum square footage of up to ten (10) percent of the area of the front face of the building space occupied by the use associated with the sign.
 - 2. Only one (1) class 5 temporary may be erected for each parcel of land and/ or tenant per planned center.
 - 3. Class 5 temporary signs may not be erected for more than 45 calendar days at one time, or exceed 120 calendar days per year.
 - 4. Class 5 temporary signs erected in violation of this Ordinance may constitute a safety hazard and are subject to being removed without notice and being destroyed. Additionally, if such signs are erected unlawfully, or in improper areas, or beyond the permissible time frame, they are subject to being taken down and destroyed by the County without notice.
 - 5. Class 5 temporary signs must meet construction standards of Section 8.4.
- B. **Class 6 Temporary Signs:** Class 6 temporary signs are signs that may be erected on any lot containing a non-residential zoning district or use of land after 6:00 p.m. on any Friday and must be taken down by 8:00 p.m. the following Sunday.
 - 1. Class 6 temporary signs may not exceed twenty-four square feet.
 - 2. Class 6 temporary signs may be attached to a building façade or existing sign structure.
 - 3. Only one (1) class 6 temporary may be erected for each parcel of land and/ or tenant per planned center.
 - 4. Class 6 temporary signs may not be erected for more than 8 consecutive weekends at one time, or exceed being posted for 96 calendar days per year.
 - 5. Class 6 temporary signs erected in violation of this Ordinance may constitute a safety hazard and are subject to being removed without notice and being destroyed. Additionally, if such signs are erected unlawfully, or in improper areas, or beyond the permissible time frame, they are subject to being taken down and destroyed by the County without notice.
 - 6. Class 6 temporary signs must meet construction standards of Section 8.4.

Permanent Sign Standards

8.8 Permanent Sign Standards

If not otherwise stated, any sign not specifically permitted in a zoning district as provided under this section, Permanent Sign Standards (PS), shall be prohibited. These regulations apply to signs located on any lot or development, but not Billboard Signs or Groundsheet Signs. A double-sided (double-faced) sign is counted as one sign, but each face counts towards the maximum area permitted. Height is measured from grade to the highest portion of the sign structure.

8.9 Sign Permitted within the AG and ER Zoning Districts

A. Ground Signs:

One (1) double-faced sign per lot. No single sign face may exceed 16 square feet. Total maximum area for all sign faces is thirty-two (32) square feet (e.g., two (2), sixteen (16) square feet sign faces). Height is limited to six (6) feet.

B. Window Signs:

Not permitted.

C. Wall Signs:

Not permitted.

D. Entrance Signs:

Two (2) per subdivision development, maximum area of each sign thirty-two (32) square feet. Entrance signs may only be single-sided, unless only one is erected, in which case it can be double-sided. Entrance signs only permitted at the entrance to a subdivision development. Entrance signs must be setback from the right-of-way a distance equal to their height plus one foot for safety reasons, and cannot block traffic sight lines. Maximum height is six (6) feet.

8.10 Sign Permitted within the RS-180, RS-110, RG-75, RM, and RMH Zoning Districts

A. Ground Signs:

One (1) double-faced sign per lot. No single sign face may exceed sixteen (16) square feet. Total maximum area for all sign faces is thirty-two (32) square feet (e.g., two (2), sixteen (16) square feet sign faces). Height is limited to six (6) feet.

B. Window Signs:

Not permitted.

C. Wall Signs:

Not permitted.

D. Entrance Signs:

Two (2) per residential development, maximum area of each sign thirty (32) square feet. Entrance signs may only be single-sided, unless only one (1) is erected, in which case it can be double-sided. Entrance signs only permitted at the entrance to a residential development. Entrance signs must be setback from the right-of-way a distance equal to their height plus one foot for safety reasons, and cannot block traffic sight lines. Maximum height is six (6) feet.

8.11 Sign Permitted within the OI, NB, CB and GB Zoning Districts for Individual Uses

A. Ground Signs:

One (1) double-faced sign per lot. No single sign face may exceed thirty-two (32) square feet. Total maximum area for all sign faces is sixty-four (64) square feet (e.g., two (2), thirty-two (32) square feet sign faces). Maximum height is ten (10) feet.

- B. **Window Signs:**
Total signage not to exceed twenty (20) percent of the area of windows facing road frontage.
- C. **Wall Signs:**
Maximum of four (4) signs per lot. Total area of all signs is not to exceed ten (10) percent of the front façade building area or two hundred (200) square feet, whichever is less.
- D. **Entrance Signs:**
Not permitted.
- E. **Menu Boards:**
No more than one (1) sign shall be located per parcel and no such sign shall exceed sixteen (16) square feet. There may be only one (1) display face and it may not be more than six (6) feet in height. The height shall be measured above the average grade of the subject lot.

8.12 Sign Permitted within the OI, NB, CB and GB Zoning Districts for Planned Centers

- A. **Ground Signs:**
One (1) double-faced sign of up to fifty (50) square feet per face, for the entire planned center containing one lot. Total maximum sign face area is one hundred (100) square feet. Maximum height for all ground signs is ten (10) feet.
- B. **Window Signs:**
Total signage not to exceed twenty (20) percent of the area of windows facing road frontage.
- C. **Wall signs:**
Maximum of two (2) signs per business. Total area of all signs is not to exceed ten (10) percent of the front façade building area or two hundred (200) square feet, whichever is less.
- D. **Entrance Signs:**
Two (2) per planned center, maximum area of each sign eighty (80) square feet. Entrance signs may only be single-sided, unless only one (1) is erected, in which case it can be double-sided. Entrance signs only permitted at the entrance to the planned center containing multiple lots. Entrance signs must be setback from the right-of-way a distance equal to their height plus one foot for safety reasons, and cannot block traffic sight lines. Maximum height is ten (10) feet.
- E. **Menu Boards:**
No more than one (1) sign shall be located per parcel and no such sign shall exceed sixteen (16) square feet. There may be only one (1) display face and it may not be more than six (6) feet in height. The height shall be measured above the average grade of the subject lot.

8.13 Sign Permitted within the MMX, NMX and RMX Zoning Districts

- A. **Residential Uses:**
 - 1. **Ground Signs:**
One (1) double-faced sign per lot. No single sign face may exceed sixteen (16) square feet. Total maximum area for all sign faces is thirty-two (32) square feet (e.g., two (2), sixteen (16) square feet sign faces). Height is limited to six (6) feet.
 - 2. **Window Signs:**
Not permitted.
 - 3. **Wall Signs:**

Not permitted.

4. **Entrance Signs:**

Not permitted.

B. **Office, Institutional, or Commercial Uses:**

1. **Ground Signs for Individual Uses:**

One (1) double-faced sign per lot. No single sign face may exceed thirty-two (32) square feet. Total maximum area for all sign faces is sixty-four (64) square feet (e.g., two (2), thirty-two (32) square feet sign faces). Maximum height is ten (10) feet.

2. **Ground Sign for Planned Centers:**

One (1) double-faced sign of up to fifty (50) square feet per face, for the entire planned center containing one lot. Total maximum sign face area is one hundred (100) square feet. Maximum height for all ground signs is ten (10) feet.

3. **Window Signs:**

Total signage not to exceed twenty (20) percent of the area of windows facing road frontage.

4. **Wall Signs for Individual Uses:**

Maximum of four (4) signs per lot. Total area of all signs is not to exceed ten (10) percent of the front façade building area or two hundred (200) square feet, which ever is less.

5. **Wall Signs for Planned Center:**

Maximum of two (2) signs per business. Total area of all signs is not to exceed ten (10) percent of the front façade building area occupied by the business or two hundred (200) square feet, which ever is less.

6. **Entrance Signs for Individual Use:**

Not permitted.

7. **Entrance Signs for Planned Center:**

Two (2) per planned center, maximum area of each sign sixty (60) square feet. Entrance signs may only be single-sided, unless only one (1) is erected, in which case it can be double-sided. Entrance signs only permitted at the entrance to the planned center containing multiple lots. Entrance signs must be setback from the right-of-way a distance equal to their height plus one foot for safety reasons, and cannot block traffic sight lines. Maximum height is ten (10) feet.

8. **Menu Boards:**

No more than one (1) sign shall be located per parcel and no such sign shall exceed sixteen (16) square feet. There may be only one (1) display face and it may not be more than six (6) feet in height. The height shall be measured above the average grade of the subject lot.

C. **Combination of Residential, Office, Institutional, and/ or Commercial Uses:**

1. **Ground Signs:**

One (1) double-faced sign of up to thirty -six (36) square feet per face, for the entire development containing one lot. Total maximum sign face area is seventy-two (72) square feet. Maximum height for all ground signs is eight (8) feet.

2. **Window Signs:**

a. **Residential Uses:**

Not permitted.

b. **Office, Institutional, and/ or Commercial Uses:**

Total signage not to exceed twenty (20) percent of the area of windows facing road frontage.

3. **Wall signs:**

a. **Residential Uses:**

Not permitted.

b. **Office, Institutional, and/ or Commercial Uses:**

Maximum of two (2) signs per business. Total area of all signs is not to exceed ten (10) percent of the front façade building area occupied by the business or two hundred (200) square feet, which ever is less.

4. **Entrance Signs:**

Four (4) per development, maximum area of each sign eighty (80) square feet. Entrance signs may only be single-sided, unless only two (2) signs are erected, in which case they can be double-sided. No more than two (2) single-sided signs or one (1) double-sided sign shall be permitted at the entrance to the development containing a combination of residential and non-residential uses on one lot or multiple lots. Entrance signs must be setback from the right-of-way a distance equal to their height plus one foot for safety reasons, and cannot block traffic sight lines. Maximum height is ten (10) feet.

8.14 Sign Permitted within the LI and HI Zoning Districts for Individual Uses

A. **Ground Signs:**

One (1) double-faced sign of up to thirty-two (32) square feet per face, maximum total area sixty-four (64) square feet. Maximum height is ten (10) feet.

B. **Window Signs:**

Total signage not to exceed twenty (20) percent of the area of windows facing road frontage.

C. **Wall Signs:**

Total area of all signs is not to exceed ten (10) percent of the front façade building area or two hundred fifty (250) square feet, which ever is less.

D. **Entrance Signs:**

Not permitted.

8.15 Sign Permitted within the LI and HI Zoning Districts for Planned Centers

A. **Ground Signs:**

One (1) double-faced sign of up to fifty (50) square feet per face, for the entire planned center containing one lot. Total maximum sign face area is one hundred (100) square feet. Maximum height is ten (10) feet.

B. **Window Signs:**

Total signage not to exceed twenty (20) percent of the area of windows facing road frontage.

C. **Wall Signs:**

Total area of all signs is not to exceed ten (10) percent of the front façade building area or two hundred fifty (250) square feet, which ever is less.

D. **Entrance Signs:**

Two (2) per planned development, maximum area of each sign eighty (80) square feet. Entrance signs may only be single-sided, unless only one (1) is erected, in which case it can be double-sided. Entrance signs only permitted at the entrance to the planned center containing multiple lots. Entrance signs must be setback from the right-of-way a distance equal to their height plus one foot for safety reasons, and cannot block traffic sight lines. Maximum height is ten (10) feet.

8.16 Sign Permitted within the PUD Zoning District

Within the residential portion of any PUD, the provisions of Section 8.9 apply. A sign plan for any non-residential portion of a PUD shall be made a part of the PUD application process and approved during the rezoning process. PUD applicants

should seek consistency with the signage provisions of non-residential and mixed use zoning districts as shown above.

Flag Pole Standards

8.17 Flag Pole Standards

The highest point of a flagpole shall not exceed fifty (50) feet in height. Flag dimensions shall be proportional to the pole such that the hoist side of the flag is not more than fifty (50) percent of the vertical height of the flagpole. No more than three (3) flagpoles may be erected upon any parcel of land with a non-residential zoning district classification or parcel of land containing a non-residential use.

Billboard Sign Standards

8.18 Billboard Sign Standards

- A. **Principle Use:** A billboard sign shall only be allowed individually as a principal use on a property where no other principal use is located.
- B. **Conditional Use:** All billboard signs shall require a conditional use. Procedures for obtaining a conditional use are in defined in Article 13.
- C. **Criteria:** The billboard sign must be located on a property that meets the following criteria:
 1. The property must be zoned for commercial or industrial use.
 2. The property must have a minimum of 22,000 square feet.
 3. The property must have at least 200 feet of frontage on Georgia Highway 75, 285, or 675.
- D. **Placement:** No billboard sign may be erected within 660 feet of the nearest edge of the right-of-way of an interstate highway, and that is within 500 feet of an interchange, intersection at grade or safety rest area. The 500-foot zone shall be measured along the interstate highway from the point at which the pavement commences or ceases to widen at exits from entrances to the main-traveled way.
- E. **Distance/ Setback requirements:** The following distance requirements shall be adhered to:
 1. Each billboard shall be located not less than 1,250 feet from any other billboard and not less than 100 feet from a residential or agricultural zoning district.
 2. Each billboard shall be located not less than 100 feet from any structure.
 3. No sign shall be located less than 1,000 feet from the property boundary of a national park, state park, local monument or church.
 4. Distance (setback) measurement shall be made horizontally in all directions from the nearest edge of the sign face.
- F. **Size of signs:** Signs shall not exceed 70 feet in height nor be less than 25 feet above ground level. Sign faces shall not exceed 672 square feet or 48 feet in length, width, or height, nor shall it be less than 300 square feet
- G. **Sign faces:** No more than one single-faced or double-faced sign can be located on a single billboard sign structure. Only one sign module is allowed on a single-faced billboard sign structure, and only two sign modules are allowed on a double-faced billboard sign structure. The two sign modules forming a double-faced billboard must be parallel (back-to-back) to one another or form an interior angle no greater than 60 degrees, and the two sign modules may be separated from each other at their nearest point by no more than three feet.

- H. **Sign orientation:** Only one sign shall be allowed to face the same direction per location. This allows back-to-back or "V" formation signs, but prohibits two signs (side by side or one above the other) facing the same direction.
- I. **Angle of the roadway:** Billboards shall be placed at no more than a 20-degree angle from the roadway.
- J. **Location on property:** All portions of the billboard must be located on a property in accordance with the front, side and rear yard setback requirements of the zoning district in which it is located.
- K. **D.O.T. regulations:** The billboard must comply with all requirements of the State of Georgia and the Georgia Outdoor Advertising Act (O.C.G.A. §§ 32-6-70 et seq.), as well as the provisions of this section, whichever are the most restrictive.
- L. **Illumination of signs:** the following illumination standards shall apply:
 1. The light from any illuminated sign shall not be of an intensity or brightness, which will interfere with the peace, comfort, convenience, and general welfare of residents or occupants of adjacent properties.
 2. No color lights shall be used at any location or in any manner so as to be confused with or construed as traffic control devices.
 3. Neither direct, nor reflected light from primary light sources shall create a hazard to operators of motor vehicles.

Groundsheet Sign Standards

8.19 Groundsheet Sign Standards

- A. **Principle Use:** A groundsheet sign shall only be allowed individually as a principal use on a property where no other principal use is located.
- B. **Criteria:** The groundsheet sign must be located on a property that meets the following criteria:
 1. There shall be a minimum property size of four (4) acres,
 2. There shall be a maximum sign area of six (6) acres,
 3. Signs shall not be located within two thousand (2,000) feet of another groundsheet sign,
 4. Signs shall not be built within any required front yard, side yard, or rear yard setback., as designated in Article 3.
 5. Signs shall be screened to eliminate legibility from adjacent roadways, freeways or adjacent properties,
 6. Screening shall be provided on all sides of the property on which the sign is located by the erection of a six (6) feet privacy fence around the sign outside of the front, side, and rear yards.
- C. **Construction:** The sign and associated structures shall be constructed as follows:
 1. The materials used must be non-reflective,
 2. The materials used must be flame retardant and environmentally safe,
 3. The materials used must be permeable so as to allow rainwater to pass through the sign and associated structures to allow drainage per grading and drainage plans approved by the Water Authority and Transportation and Development Department,
 4. To be securely fastened to the ground or support structures, subject to plans approved by the Community Development Department and Fire Department, and
 5. No more than one (1) advertisement, logo or message is permitted per sign.

Nonconforming Standards

Article Nine: Nonconforming Structures, Lots, and Uses

9.1 Intent

Within the districts established by this Article or amendments that may have previously been adopted or may later be adopted, there exist lots, structures, uses of land and structures, and characteristics of use which were lawful before the ordinance was passed or amended but which would be prohibited, regulated or restricted under the terms of the present or future amendments.

1. For purposes of this Article, the term "nonconforming use" shall mean a lawful lot, structure, use of land and structure that existed at the time of the adoption of "The Zoning Ordinance of the Clayton County, Georgia" (hereinafter referred to as the "zoning ordinance"), or at the time of the adoption of an amendment to the zoning ordinance, that no longer conforms to those regulations and restrictions contained in the zoning ordinance because of the adoption of the zoning ordinance or the adoption of an amendment to the zoning ordinance.
2. It is the intent of this chapter to require removal or cessation of certain of these nonconformities, and to permit others to continue until they are otherwise removed or ceased. It is further the intent of this chapter that nonconformities shall not be used as grounds for adding other structures or uses prohibited elsewhere in the same district, nor enlarged upon, extended or expanded except as herein provided.
3. Nonconforming uses are declared by this chapter to be incompatible with permitted uses in the districts involved. Nonconforming use of land, structures, or land and structures in combination shall not be extended or enlarged after passage of this Article by attachment on a building or premises of signs intended to be seen from off the premises, or by addition of other uses, of a nature generally prohibited in the district involved. Nonconforming uses that occupy a portion of a lot may not expand to cover a larger portion of the lot. In addition to structures, this limitation applies to inventory, storage, and other items kept outside. For example, a nonconforming auto salvage yard cannot add any more automobiles than were already contained when the yard became nonconforming, nor can the footprint of the yard expand, even if the current footprint only covers a fraction of the lot.

4. To avoid undue hardship, nothing in this Article shall be deemed to require a change in the plans, construction or designated use of any building on which construction was lawfully begun prior to the effective date of adoption or amendment of this Article, and upon which actual building construction has been carried on diligently. "Actual construction" is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction provided that work shall be carried on diligently.

9.2 Non-conforming Lots of Record

In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory building may be erected on any single lot of record at the effective date of adoption or amendment of this section, notwithstanding limitation imposed by other provisions of this article.

Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lots fail to meet the requirements for area or width, or both, that are generally applicable in the district; provided, that yard dimensions and requirements, including but not limited to square footage, other than those applying to area or width, or both, of the lots shall conform to the regulations for the district in which such lot is located.

If two (2) or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this article, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this Article, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this article, nor shall any division of any parcel be made which creates a lot with width or area less than the requirements stated in this chapter.

9.3 Nonconforming Uses of Land (or land with minor structures only)

Where at the time of passage of this Article or amendment thereto lawful use of land exists which would not be permitted by the regulations imposed by this part and where such use involves no permanent individual structure with a fixed foundation and with a replacement cost exceeding five thousand dollars (\$5,000.00), the use may be continued for a period of not more than two (2) years after the effective date, of this chapter or amendment thereto creating nonconforming status so long as it remains otherwise lawful, provided:

1. No such nonconforming use of land or land with minor structures shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Article.
2. No such nonconforming use shall be moved in whole or in part into any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Article.
3. If any such nonconforming use of land ceases for any reason for a period of more than one hundred twenty (120) days, any subsequent use of land shall conform to the regulations specified by this article for the district in which such land is located.

4. No additional structure not conforming to the requirements of this Article shall be erected in connection with such nonconforming use of land.
5. At the end of the above-prescribed two-year period, the nonconforming use of land shall cease and the nonconforming use of any minor structures as defined above shall cease, and the land or land and minor structures in combination shall thereafter be used for purposes permitted in the district in which they are located.

9.4 Nonconforming Structures

Where a lawful structure exists at the effective date of adoption or amendment of this article that could not be built under the terms of this chapter by reasons of restriction on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it is and remains otherwise lawful subject to the following provisions:

- A. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity; but any structure or portion thereof may be enlarged or altered if the degree of its nonconformity remains the same or is decreased, provided such structure is used for a permitted use.
- B.
 1. **One- and two-family residential structures:** Should such nonconforming one- or two-family residential structure or nonconforming portion of structure be destroyed, by any means, in whole or in part, it may be reconstructed in the same location and upon its previous foundation and to its previously existing height, provided said reconstruction does not increase the previously existing degree of nonconformity and further provided that said reconstructed structure is used for a permitted use.
 2. **All other structures:** Should such nonconforming multifamily residential, commercial or industrial structure or nonconforming portion of structure be destroyed by any means to an extent of more than sixty (60) percent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Article.
 3. **Accessory structures:** When nonconforming, shall be subject to the same provisions as govern the primary structure to which they are an accessory.
- C. **Moving:** A nonconforming structure may be moved on its own lot only if the Zoning Administrator determines that such movement reduces the degree of nonconformity to the maximum extent reasonably feasible, or eliminates such nonconformity, but shall in no case be moved on its own lot in such a manner as to increase the degree of nonconformity.
Where a nonconforming structure is moved off its previous lot, it shall thereafter conform to the regulations for the district in which it is located after it is moved. Nothing contained herein shall prevent the strengthening or restoring to safe condition of any structure or part thereof declared unsafe by any public official charged with protecting the public safety, upon order of such official.
- D. In cases where land is taken for public purposes from legal lots of record at the time of such taking in such manner as to reduce yards previously provided in relation to a portion of a structure below yard requirements generally applicable within the district, the portion of the structure involved shall be construed to be nonconforming.
- E. **Removal of abandoned antennas.** Any antenna that is not operated for a continuous period of one (1) year shall be considered abandoned, and the owner

of such antenna shall remove same within ninety (90) days of receipt of notice from the Department of Community Development about such abandonment. If such antenna is not removed within said ninety (90) days, the Board of Commissioners may authorize the County Attorney to pursue court approval for the removal or repair at the expense of the property owner. All expenses related to the removal or repair shall be placed upon the tax roll for the property to which the fence is associated unless immediately reimbursed by the property owner.

If there are two (2) or more users of a single antenna, then this provision shall not become effective until all users cease using the antenna.

9.5 Nonconforming Uses or Major Structures, and Premises in Combination

If lawful use involving individual structures with a replacement cost of five thousand dollars (\$5,000.00) or more, or of structures and premises in combination, exists at the effective date of adoption or amendment of this article that would not be allowed in the district under the terms of this chapter, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A No existing structure devoted to a use not permitted by this article in the district in which it is located shall be enlarged, extended or moved, except in changing the use of a structure to a use permitted in the district in which it is located.
1. **Intent:** Although the general intent not to permit expansion of nonconformities set forth in subsection 9.1 is reaffirmed, where indefinite continuation of nonconforming uses in major permanent structures with fixed foundations and with replacement costs exceeding five thousand dollars (\$5,000.00) seems assured, it is hereby found to be adverse to the general public interest to require that such uses remain in dislocated buildings, or to prohibit enclosure of existing outdoor sales, service or storage operations.
 2. **Special exception authorized:** The Board of Zoning Appeals may, therefore, by special exception, permit enlargement, extension or moving on the same lot, subject to general requirements and procedures applying to special exceptions and with the following special requirements, limitations and considerations. No such special exception shall be issued on locations and for classes of cases indicated in subsection 9.3.
 3. **Materials to be submitted with application:** Applications shall be accompanied by site and building plans, photographs of the property and of surrounding property, evidence of continued use, extent of present outdoor sales, service or storage operations, and such other material as may be appropriate in the circumstances of the case. During processing of the application, additional information reasonably necessary to the making of required findings may be called for and shall be provided before decisions are made.
 4. **Limitations on extension or expansion:** Floor area shall not be increased except to provide for interior sales, service or storage operations replacing existing outdoor sales, storage or service; and outdoor sales, storage or service thus replaced shall not be resumed in the future. In no case shall floor area be increased by more than thirty-five (35) percent of that existing at the time the use became nonconforming. No floor area increase shall be permitted which is likely to have the effect of intensifying the nonconforming use by increasing traffic, number of customers or employees, or other means. At nonconforming

service stations, no floor area increase shall be permitted which would allow total floor area to exceed two thousand (2,000) square feet.

- 5.. **Screening:** Where the lot adjoins or abuts a lot in a residential district a solid screening fence or wall not less than six (6) nor more than eight (8) feet in height, or approved vegetative screening, shall be provided and maintained in good condition and appearance; except that such screening shall not be located in required yards adjacent to streets or where it could interfere with visibility at intersections or traffic ways.
 6. **Access, parking and service area:** Before such special exceptions are granted, the Board of Zoning Appeals shall seek the advice of the Zoning Administrator concerning adequacy of design, scale, location and improvement of existing access and parking and service areas, and shall require correction of any deficiencies it finds to be of substantial significance as a condition to the granting of the exception.
 7. **Signs, lighting of premises:** Where such special exceptions are granted, limitations appropriate to the nature of the surrounding area shall be placed on the number, size, character and location of signs and the nature of lighting of signs and premises. Such limitations may require removal, redesign and/or relocation of existing signs and lighting.
 8. **Hours and conditions of operation:** As a condition to the granting of the special exception, the Board of Zoning Appeals may establish such limitations on hours and conditions of operations as it finds reasonably necessary to protect the safety, security, comfort and tranquility of the area, and particularly of nearby residential uses.
 9. **Findings required:** No such special exception shall be granted except upon findings by the Board of Zoning Appeals that the nonconforming use has continued and is likely to continue indefinitely, and that the actions proposed in the application as submitted, and with the conditions and safeguards attached and accepted by the applicant, would result in substantial reduction of existing adverse effects on surrounding property and/or in other substantial public advantage.
- B. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this article, but no such use shall be extended to occupy any land outside such building.
- C. Changes in nonconforming uses of major structures or of major structures and uses in combination shall be permitted as follows:
1. To any use conforming to the regulations of the district in which located;
or
 2. To any use permitted in the most restrictive district in which such original nonconforming use is first permitted by this part, subject to the requirements and regulations concerning such use in the district; provided however, that no nonconforming nonresidential use shall be changed to a residential use in any district in which similar residential uses are not permitted.
- D. Any major structure, or major structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the districting in which it located; and the nonconforming use may not thereafter be resumed.
- E. When a nonconforming use of a major structure or major structure and premises in combination is discontinued for a continuous period of one (1) year, the

structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located. Such restriction shall not apply if such cessation is as a direct result of governmental action impeding access to the premises.

- F. Where nonconforming use status applies to a major structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. "Destruction," for the purpose of this subsection, is defined as damage to an extent of more than sixty (60) percent of the replacement cost at the time of destruction.
1. Where damage is to an extent sixty (60) percent or less of replacement cost, such structures may be restored to the same or lesser size in the same location; provided however, that restoration shall begin within twelve (12) months of damage and be diligently carried to completion; and nonconforming use may be resumed and continued as before, or on a lesser scale, but shall not be enlarged or intensified. Unless restoration is so initiated and completed, the use shall terminate and not be resumed. Remodeling shall not be deemed removal or destruction. Destruction made necessary by repairs, maintenance and/or remodeling shall not be construed to be removal or destruction.
 2. Special exception for replacement or reconstruction of destroyed major structures containing nonconforming uses: Where a major structure containing a nonconforming use is destroyed to an extent of more than fifty (50) percent of replacement cost at time of destruction, the board of zoning appeals may, by special exception, permit its replacement or reconstruction in whole or in part upon making all of the following findings:
 - a. That the cause of destruction was not the deliberate action of the owner or occupant of the structure or their agents; and
 - b. That nothing contained in the provisions of subsection 9.3 required termination of such nonconforming use; and;
 - c. That the board finds substantial public advantage in continuance of the nonconforming use; and
 - d. That the primary purpose of continuing the nonconforming use is not to continue a monopoly; and
 - e. That replacement or reconstruction in the manner proposed, with related actions imposed in conditions and safeguards by the Board of Zoning Appeals, would reduce any previous adverse effects of the use on neighboring properties.
- G. Uses permissible by conditional use permit or special exception not to be construed as nonconforming uses. Except as otherwise provided herein, any use which is permissible by conditional use permit or special exception in a district shall not be considered a nonconforming use in the district if in lawful existence prior to passage of the requirement for such conditional use permit or special exception, but shall without further action be considered a conforming use. So long as such use remains the same, structural alterations within the general limits of the regulations of this chapter shall be permitted on the premises of such use; but any enlargement, extension, movement or replacement of such use, with respect to land or structures, shall require a special exception or special use permit, as appropriate to the case, as though it were a new use.

9.6 Nonconforming Signs

- A. Signs which on the effective date of this Article were approved and erected under previous sign restrictions, which were in existence before the effective date of this chapter or which became nonconforming with respect to the requirements of this chapter, may continue in existence so long as there is no change in the use of the property, the size or height of any such sign is not increased beyond that existing as of the effective date of this section or any subsequent change in the article. Damaged signs may be rebuilt in conformity with existing building code regulations, but the nonconformity may not be expanded. No such nonconforming sign shall be moved in whole or in part to any portion the lot or parcel other than that occupied by the sign at the time it became nonconforming. If use of the premises served by the sign ceases for any reason for a period of more than ninety (90) days, then any such sign shall lose its nonconforming status, and any subsequent sign erected for the premises shall conform with the regulations of this chapter. Upon sale, transfer, or exchange of the sign the nonconforming sign will be discontinued.
- B. Any sign erected in violation of this chapter may be removed by duly authorized employees of the County, from any public property or right-of-way, and a responsible party may be cited for such violation.
- C. A conforming sign or advertising device shall not be erected for the same establishment on the same lot with an existing nonconforming sign until the nonconforming sign has been removed.

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Boards and Commissions

Article Ten: Boards and Commissions

10.1 Board of Zoning Appeals Establishment and Membership

The Clayton County Board of Commissioners hereby establishes the Board of Zoning Appeals of Clayton County which shall conduct business consistent with all requirements of the State of Georgia and this ordinance.

The Board of Zoning Appeals (BZA) shall consist of a five (5) member Board. Members shall be appointed and confirmed in accordance with Board of Commissioners' approval. Alternate Board of Zoning Appeals members may be appointed consistent with Board of Commissioners' approval. Zoning Board of Appeal members shall be appointed for three-year terms and shall serve until their successor is appointed and confirmed. Initial appointment shall be as follows: two members for one year, two members for two years, and one member for three years. Each successive appointment shall be for three years. If a member moves outside of the County; it shall constitute a resignation from the Board of Appeals. Vacancies for unexpired terms shall be filled in the same manner as the initial appointment and the Board of Commissioners shall appoint and confirm a member for the unexpired term of the vacating member. Members may be reappointed to successive terms without limitation.

10.2 Powers and Duties

The Board of Zoning Appeals shall have exclusive subject matter jurisdiction for:

- A. Variances; and
- B. Administrative Appeals.

10.3 Rules and Procedures

- A. **Quorum:** Three (3) members of the Board of Zoning Appeals shall constitute a quorum for the transaction of business.
- B. **Officers:** The following officers shall be established:
 - 1. The Board of Zoning Appeals shall elect one of its appointive members as chairman. The chairman shall serve for 1 year or until he/she is re-elected or his/her successor is elected.
 - 2. A second appointive member shall be elected as vice chairman, and he/she shall serve for 1 year or until he/she is re-elected or his/her successor is

elected.

3. The Board of Zoning Appeals shall appoint a secretary, who may be an employee of Clayton County or a member of the Board of Zoning Appeals.
- C. Meetings:** The Board of Zoning Appeals shall meet a minimum of once each month at a date and time established by the Zoning Board of Appeals, and all meetings shall be called in accordance with the procedures in *Robert's Rules of Order*.
- D. Rules and Operating Procedures:** The Board of Zoning Appeals shall have the authority, with Board of Commissioners consent, to adopt any procedures concerning organization, forms for applications, filing requirements, procedures, and conduct of meetings.
- E. Filing:** All applications for variances and requests for administrative appeal shall be filed by the applicant with the Department of Community Development in the form prescribed by the Zoning Administrator.

10.4 Hearings

- A. The Board of Zoning Appeals shall fix a reasonable time for the hearing of administrative appeals and variances and may limit the number of petitions discussed at such meetings.
- B. No applicant or anyone acting in the applicant's behalf shall communicate with any member of the Board of Zoning Appeals before the filing of any application or any hearing related to such application, with intent to influence the member's action on a matter pending before the Board of Zoning Appeals.

10.5 Conduct of the Board of Zoning Appeal's Hearing

- A. **Acknowledgement.** All persons who wish to address the Board of Zoning Appeals at a hearing on the proposed petition under consideration by the Zoning Advisory Group shall first sign up on a form to be provided by the County prior to the commencement of the hearing.
- B. **Matter Presented.** The Chairman of the Board of Zoning Appeals will read the proposed petition under consideration in the order determined by the Zoning Administrator. The Zoning Administrator, or his designee, shall then present the petition, along with the Zoning Administrator's staff report and all recommendations prior to receiving public input on the proposed petition.
- C. **Speakers.** The Chairman of the Board of Zoning Appeals will then call each person who has signed up to speak on the petition in the order in which the persons have signed up to speak, except the applicant who will always speak first. Prior to speaking, the speaker will identify himself or herself and state his or her current address. Only those persons who signed up to speak prior to the commencement of the hearing shall be entitled to speak, unless a majority of the Board of Zoning Appeals, in its discretion, allows the person to speak to the petition, notwithstanding the failure of the person to sign up prior to the hearing.
- D. **Time Limits.** The Applicant shall have a reasonable time for his presentation, as may be determined by the Zoning Board of Appeals. The opponents of the request shall be allotted a reasonable time as determined by the Board of Zoning Appeals.
- E. **Decorum and Order.** Each speaker shall speak only to the merits of the proposed petition under consideration and shall address his remarks only to the members of the Board of Zoning Appeals. Each speaker shall refrain from personal attacks on any other speaker or the discussion of facts or opinions irrelevant to the proposed amendment under consideration. The chairman may limit or refuse a speaker the right to continue, if the speaker, after first being cautioned, continues to violate this

subsection. Nothing contained herein shall be construed as prohibiting the chairman from conducting the hearing in an orderly and decorous manner to assure that the public hearing on a proposed amendment is conducted in a fair and orderly manner.

F. **Notification.** These procedures shall be available in writing at each hearing.

10.6 Notice of public Hearing

For all public hearings, the petitioner shall provide notice to the public consistent with the requirements of this ordinance provided in Article 13.

10.7 Appeals

Every decision of the Board of Zoning Appeals shall be subject to appeals. Such appeals shall be presented to a Court of competent jurisdiction within 30 calendar days of the Board of Zoning Appeals' decision.

10.8 Development Standards Variances

- A. The Board of Zoning Appeals may grant a variance from the development standards of this ordinance where permitted under this Ordinance, if, after a public hearing, it makes findings of facts in writing, that:
 - 1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
 - 2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and
 - 3. The strict application of the terms of this ordinance will result in a practical difficulty in the use of the property. This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain.
- B. The Board of Zoning Appeals may impose such reasonable conditions upon its approval as it deems necessary to find that the criteria for approval in Article 10.8 (A) above will be served.
- C. A developmental standard variance granted by the Board of Zoning Appeals and executed as described in this section shall run with the land until such time as:
 - 1. The property conforms with the ordinance as written, or
 - 2. The variance is terminated.

10.9 Use Variances

The Clayton County Board of Zoning Appeals shall under no circumstances grant a use variance or take any action to establish a use on any property within its jurisdiction that is neither a listed permitted use nor a listed conditional use in the district in which it is located as established by Article 3 of this ordinance.

10.10 Variance Execution and Termination

- A. If the Board of Zoning Appeals grants a variance, it may direct the applicant to apply for an erosion and sedimentation control permit, grading permit and/ or building permit. If such application complies with all established requirements and this ordinance, a certificate of occupancy for the execution of the approved variance may be issued.
- B. A variance may cease to be authorized and terminated with proper public notification, public hearing, and approval by the Board of Zoning Appeals if a Building Permit or Certificate of Occupancy for the execution of the approval has not been obtained within one (1) year of the date the variance is granted. The variance

shall also be terminated with proper public notification, public hearing, and approval by the Board of Zoning Appeals if the approved construction has not been completed and approved by the Zoning Administrator as being consistent with all written commitments or conditions, the requirements of this ordinance, and all applicable permits within two (2) years of the date the variance is granted.

10.11 Administrative Appeals

- A. The Board of Zoning Appeals may grant an appeal of any decision, interpretation, or determination made by the Zoning Administrator, other Community Development staff members, or any other administrative official or board charged with the duty of enforcing and interpreting this Ordinance.
- B. The Board of Zoning Appeals shall only grant an appeal of such an administrative decision based on a finding, in writing, that the decision was inconsistent with the provisions of this Ordinance.
- C. The approval of an administrative appeal may be terminated by the Board of Zoning Appeals under the following procedure:
 - 1. Upon determination by the Zoning Administrator that possible grounds for termination exist, the matter shall be placed on the Board of Zoning Appeals agenda for a public hearing.
 - 2. At the public hearing the approval shall be terminated if a finding is made by the Board that the approved was the result of fraud or the misrepresentation of facts.
 - 3. No administrative appeal may be reviewed by the Board of Zoning Appeals for the same cause more than once in any one (1) year period.
- D. If an administrative appeal is granted, the Department of Community Development may refund any application fees which have been paid to the County by the applicant in petitioning for the appeal. In no way shall this provision be interpreted as providing the applicant with the ability to seek the refund of any other fees or costs associated with the appeal or the application which is the subject of the appeal.

10.12 Zoning Advisory Group Establishment and Membership

The Clayton County Board of Commissioners hereby establishes the Zoning Advisory Group of Clayton County which shall conduct business consistent with all requirements of the State of Georgia and this Ordinance.

The Zoning Advisory Group shall consist of and continue as a seven (7) member Board. Members shall be appointed and confirmed in accordance with Board of Commissioners' approval. Alternate Zoning Advisory Group members may be appointed consistent with Board of Commissioners' approval. Zoning Advisory Group members shall be appointed for three-year terms and shall serve until their successor is appointed and qualified. Initial appointment shall be as follows: three members for one year, two members for two years and two members for three years. Each successive appointment shall be for three years. If a member moves outside the County; it shall constitute a resignation from the Zoning Advisory Group. Vacancies for unexpired terms shall be filled in the same manner as the initial appointment and the Board of Commissioners shall appoint and confirm a member for the unexpired term of the vacating member. Members may be reappointed to successive terms without limitation.

10.13 Powers and Duties

The Zoning Advisory Group shall serve as the recommending body for the Clayton County Board of Commissioners. The Zoning Advisory Group shall recommend

approval or denial of applications being forwarded to the Board of Commissioners, which include:

- A. Conditional Uses;
- B. Zoning Amendments (including Planned Unit Developments); and
- C. Comprehensive Plan Amendments

The Zoning Advisory Group shall approve or deny the following applications for:

- A. Site Development Plans (if necessary);
- B. Preliminary Plats;
- C. Re-plats; and
- D. The vacation of plats of subdivisions.

10.14 Rules and Procedures

- A. Quorum:** Five (5) members of the Zoning Advisory Group shall constitute a quorum for the transaction of business.
- B. Officers:** The following officers shall be established:
 1. The Zoning Advisory Group shall elect 1 of its appointive members as chairman. The chairman shall serve for 1 year or until he/she is re-elected or his/her successor is elected.
 2. A second appointive member shall be elected as vice chairman, and he/she shall serve for 1 year or until he/she is re-elected or his/her successor is elected.
 3. The Zoning Advisory Group shall appoint a secretary, who may be an employee of Clayton County or a member of the Zoning Advisory Group.
- C. Meetings:** The Zoning Advisory Group shall meet a minimum of once each month at a date and time established by the Zoning Advisory Group, and all meetings shall be called in accordance with the procedures in *Robert's Rules of Order*.
- E. Rules and Operating Procedures:** The Zoning Advisory Group shall have the authority, with Board of Commissioner consent, to adopt any procedures concerning organization, forms for applications, filing requirements, procedures, and conduct of meetings.
- F. Filing:** All applications for conditional uses shall be filed by the applicant with the Department of Community Development in the form prescribed by the Zoning Administrator.

10.15 Hearings

- A. The Zoning Advisory Group shall fix a reasonable time for the hearing of any application and shall limit the number of items for consideration at any public hearing to ten (10) applications.
- B. No applicant or anyone acting in the applicant's behalf shall communicate with any member of the Zoning Advisory Group before the filing of any application or any hearing related to such application, with intent to influence the member's action on a matter pending before the Zoning Advisory Group.

10.16 Conduct of the Zoning Advisory Group's Hearing

- A. Acknowledgement.** All persons who wish to address the Zoning Advisory Group at a hearing on the proposed petition under consideration by the Zoning Advisory Group shall first sign up on a form to be provided by the County prior to the commencement of the hearing.
- B. Matter Presented.** The Chairman of the Zoning Advisory Group will read the proposed petition under consideration in the order determined by the Zoning

- Administrator. The Zoning Administrator, or his designee, shall then present the petition, along with the Zoning Administrator's staff report and all recommendations prior to receiving public input on the proposed petition.
- C. **Speakers.** The Chairman of the Zoning Advisory Group will then call each person who has signed up to speak on the petition in the order in which the persons have signed up to speak, except the applicant who will always speak first. Prior to speaking, the speaker will identify himself or herself and state his or her current address. Only those persons who signed up to speak prior to the commencement of the hearing shall be entitled to speak, unless a majority of the Zoning Advisory Group, in its discretion, allows the person to speak to the petition, notwithstanding the failure of the person to sign up prior to the hearing.
 - D. **Time Limits.** . The Applicant shall have a reasonable time for his presentation, as may be determined by the Zoning Advisory Group. The opponents of the request shall be allotted a reasonable time as determined by the Zoning Advisory Group.
 - E. **Decorum and Order.** Each speaker shall speak only to the merits of the proposed petition under consideration and shall address his remarks only to the members of the Zoning Advisory Group. Each speaker shall refrain from personal attacks on any other speaker or the discussion of facts or opinions irrelevant to the proposed amendment under consideration. The chairman may limit or refuse a speaker the right to continue, if the speaker, after first being cautioned, continues to violate this subsection. Nothing contained herein shall be construed as prohibiting the chairman from conducting the hearing in an orderly and decorous manner to assure that the public hearing on a proposed amendment is conducted in a fair and orderly manner.
 - F. **Notification.** These procedures shall be available in writing at each hearing.

10.17 Notice of public Hearing

For all public hearings, the petitioner shall provide notice to the public consistent with the requirements of this ordinance provided in Article 13.

Site Development Plans

Article Eleven: Site Development Plans

11.1 Intent

The intent of this Article is to further the goals of the Clayton County Comprehensive Plan; provide for the adequate, consistent review of new development to ensure compliance with this ordinance; provide for the appropriate creation of facilities and systems for the accommodation of traffic and utilities; and address the unique characteristics of certain types of development that require specific review and approval.

11.2 Site Development Plan Required

Site Development Plans shall be required for all developments for which a Soil Erosion and Sedimentation Control Permit, Grading Permit, and/ or Building Permit is required by this ordinance.

The following types of development shall be exempt from the requirements of this Article, but shall be required to obtain a Building Permit and any other permit or approval required by this ordinance:

- A. The replacement or installation of any sign, or signs not occurring as part of an improvement to any other aspect of the property;
- B. The expansion of an existing parking lot which does not result in a greater than twenty (20) percent increase in the surface area of the parking previously available on the property; or
- C. The expansion of an existing structure or the construction of an accessory structure which does not result in a greater than ten (10) percent increase in the floor area of the structures that were previously existing on the property or require the provision of additional landscaping, parking, or other improvement regulated by this Ordinance.

11.3 Review and Approval Authority

The Technical Review Committee shall have the authority to review and approve Site Development Plans required by this Article consistent with the Technical Review Committee provisions of this ordinance.

Neither the Technical Review Committee nor the Department of Community Development shall have the authority to waive any requirement of this Ordinance in the review of a Site Development Plan.

The procedure for the review of proposed amendments or revisions to previously approved Site Development Plans shall follow the process for the initial approval of Site Development Plans outlined below.

11.4 Review Process and Standards

Site Development Plans shall be subject to the following review and approval process:

- A. General Requirements:** All applications may be obtained through the Department Community Development. Fees shall be paid at the Department of Community Development at the time the application and permit applications and documents are submitted.
1. All applications shall be made on forms provided by the Zoning Administrator.
 2. All applicants shall submit original applications which are completed in their entirety either in ink or typed. All applications shall be signed and notarized (if required).
 3. All applicants shall submit copies of the applications and necessary attachments as required by the adopted policies of the Department of Community Development.
 4. All applications shall be assigned reference and/or docket numbers by the Zoning Administrator. Petition applications shall be scheduled by the Zoning Administrator for the appropriate meeting and public hearing (if necessary) based on the completeness of the application consistent with the requirements of this Article and the appropriate adopted calendar of filing and meeting dates for the Technical Review Committee, Board of Zoning Appeals, and/ or Zoning Advisory Group.
- B. Pre-Application Conference:** Prior to the submittal of a site development plan, the applicant is encouraged to attend a pre-application conference with representatives of the County to discuss the application and review process. At this conference, the applicant will be provided with information regarding procedural review requirements, design and development standards, submission requirements, and design and construction requirements for infrastructure and natural resources.
1. It is the County's intent that all procedural and development requirements be identified during the pre-application conference. However, no person may rely upon any comment concerning a proposed development or any expression of any nature about the proposal made by the participant at the pre-application conference as a representation or implementation or implication that the proposal will be ultimately approved or rejected in any form. Additionally, the failure to identify an applicable requirement or condition shall not preclude the County from requirement an applicant to comply with such requirement or condition.
- C. Site Development Plan Application:** The petitioner shall submit an application for Site Development Plan review, an affidavit and consent of property owner (if the property owner is someone other than the petitioner), a deed for the property involved, the required filing fee, and required supportive information to the Zoning Administrator. Supportive information shall include, but not be limited to the following:
1. A location map showing and clearly identifying the subject property and showing all land within 1 mile of the subject property. The location map should identify the current zoning and use of all property within 1,320 feet of the subject property.
 2. A property survey showing all existing structures, topography, trees with a

- diameter measured at chest height of 8 inches or greater, floodplain and floodway boundaries (including elevations), rights-of-way, easements, building setback lines, drainage areas, pipes, known tiles, structures, utility services, historic structures, and road accesses. These items shall be identified for the subject site and adjacent properties within 400 feet.
3. A site plan, drawn to scale and bearing the seal of a professional engineer or land surveyor clearly showing all aspects of the property and all features relevant to the Site Development Plan, including:
 - a. All proposed setbacks, building envelopes, buffer yards, structure heights, and lot coverage calculations;
 - b. All proposed buildings, structures, fences or walls, areas of outdoor storage, permanent dumpsters, and other improvements;
 - c. All proposed locations and dimensions of road accesses, interior drives, parking lots, loading docks or areas, sight visibility triangles, and interior sidewalks (all public road access shall be subject to the approval of the Clayton County Department of Transportation and Development);
 - d. All proposed open spaces and recreational amenities;
 - e. All proposed stormwater management facilities;
 - f. All proposed locations and capacities of public and private utilities (all septic systems shall be subject to the approval of the Clayton County Board of Health, all public sewer connections shall be subject to the approval of the Clayton County Water Authority or appropriate public service provider);
 - g. Lakes, streams, and other waters on the site and associated buffers;
 - h. All proposed public improvements including sidewalks, street trees, and right-of-way dedications; and
 - i. All proposed locations for temporary uses, such as seasonal sales areas.
 4. A landscaping plan, drawn to scale and bearing the seal of a registered landscape architect, architect, engineer, or surveyor showing all required and proposed landscaping in the site interior, in and adjacent to parking areas, in buffer yards, and street trees. The landscaping plan shall include the identification of the height of the plantings from ground level at the time of installation and the species proposed to be used to meet the requirements of this Ordinance.
 5. A lighting plan, providing the location, type and height of all freestanding, building-mounted and canopy light fixtures, and all existing and proposed sign lighting. A photometric grid overlaid on the proposed site plan shall also be included indicating the overall light for intensity throughout the site.
 6. A sign plan showing the location, height, and dimension of all permanent signs and indications of appropriate locations, heights, and sizes of any anticipated temporary signs.
 7. A site drainage plan that bears the seal of a professional architect engineer or land surveyor including all calculations required by the Clayton County. All Site Development Plans shall be subject to the approval of the Clayton County Water Authority.
 8. A detailed statement of the characteristics and operation of the development, including the projected population densities, presence of any adult uses, and number of potential employees. The detail statement shall include any written commitments being made regarding the Site Development Plan.
- D. **Technical Review Committee Review:** The Clayton County Technical Review Committee (TRC) shall review the Site Development Plan, including all supportive information on the date established by the adopted calendar of meeting and filing dates.

1. Either the applicant or a representative of the applicant must be in attendance to present the Site Development Plan and address any questions the Technical Review Committee may have.
 2. In reviewing the Site Development Plan, the Technical Review Committee shall consider whether or not the proposed Site Development Plan is consistent with the requirements of this Ordinance, the Tree Protection Ordinance, the Subdivision Ordinance, and the applicable adopted requirements of Clayton County.
 3. The Technical Review Committee may approve, deny, table, or forward the Site Development Plan to the Zoning Advisory Group.
 - a. The Technical Review Committee shall approve the Site Development Plan if it complies with all applicable requirements of this Ordinance.
 - b. The Technical Review Committee shall table the Site Development Plan application if it is generally consistent with the considerations outlined above, but requires minor modifications to be completely in compliance with the requirements of this Ordinance. Site Development Plan applications which are tabled shall be automatically docketed for the next review meeting. The applicant shall revise the Site Development Plan proposal consistent with the Technical Review Committee comments and supply revisions for review at the next meeting consistent with the adopted calendar of filing and meeting dates.
 - c. The Technical Review Committee shall deny the Site Development Plan if it is found to be inconsistent with the considerations outlined in 11.4(D)(2) above.
 - d. The Technical Review Committee shall forward Site Development Plans which are generally consistent with the considerations outlined above to the Zoning Advisory Group for public hearing if the proposal includes any improvement to be dedicated to the public, includes proposed written commitments, or requires the imposition of conditions to be completely consistent with the considerations for approval. The Site Development Plan shall be placed on the agenda for the next meeting of the Zoning Advisory Group consistent with the adopted calendar of meeting and filing dates. The applicant shall revise the Site Development Plan proposal consistent with any Technical Review Committee comments prior to review by the Zoning Advisory Group and shall provide such revision for review consistent with the adopted calendar of filing and meeting dates.
- E. **Public Meeting Notification (if necessary):** Notification for the scheduled public hearing regarding the Site Development Plan shall be completed consistent with the requirements of Georgia State Code, the Rules and Procedures of the Clayton County Zoning Advisory Group, and the provisions of Article 13 of this Ordinance.
- F. **Zoning Advisory Group Review (if necessary):** The Zoning Advisory Group shall, at a meeting scheduled consistent with the adopted calendar of meeting and filing dates review the Site Development Plan and any supportive information.
1. Either the applicant or a representative of the applicant must be present at the public hearing to present the Site Development Plan and address any questions the Zoning Advisory Group may have.
 2. The Zoning Advisory Group shall consider a report from the Zoning Administrator describing the findings of the Technical Review Committee and testimony from the applicant and any interested parties in making its decision.
 3. The Zoning Advisory Group may approve, approve with modifications, deny, or table the Site Development Plan application.

- a. The Zoning Advisory Group shall approve the Site Development Plan if it is consistent with all applicable requirements of this Ordinance.
 - b. The Zoning Advisory Group shall approve with modifications the Site Development Plan with modifications if it is generally consistent with all applicable requirements of this Ordinance. The Zoning Advisory Group may impose conditions on the approval of a Site Development Plan, which shall become written commitments of the applicant, if the conditions are necessary to satisfy the requirements of this Ordinance.
 - c. The Zoning Advisory Group shall deny the Site Development Plan if it is not consistent with the applicable requirements of this Ordinance. Site Development Plan applications which have been denied shall not be re-filed for a period of 6 months from the date of the denial.
 - d. The petition shall be tabled based on a request by the Zoning Administrator or the petitioner, an indecisive vote, or a determination by the Zoning Advisory Group that additional information is required prior to action being taken on the request. The tabling of all petitions shall be consistent with the adopted Rules and Procedures of the Zoning Advisory Group.
4. **Assurance of Completion of Improvements:** The Zoning Advisory Group may approve a Site Development Plan with the condition that a bond or written assurance be provided that guarantees the timely completion of any proposed public improvements included in the development. The bond or written assurance shall be in a form acceptable to the Board of Commissioners, the Zoning Administrator, and the County Attorney, and consistent with Article 5 of the Clayton County Subdivision Ordinance.
- G. **Findings of Fact:** The Zoning Administrator shall prepare and sign written findings of fact documenting the action taken by the Technical Review Committee and the Zoning Advisory Group (if Zoning Advisory Group review is necessary). The Zoning Administrator shall make copies of the written findings of fact available to the applicant within 3 business days of the date of the decision.
- H. **Permits:** Prior to any construction activity, the improvements approved through all Site Development Plans shall be required to obtain the appropriate Soil Erosion & Sediment Control, Grading, and Building Permits and any other required permits specified by this Ordinance.

11.5 Appeal of Technical Review Committee Determinations

Any applicant or interested party may appeal a determination made by the Technical Review Committee to the Zoning Advisory Group through the procedure described below:

- A. **Application:** The petitioner shall submit to the Zoning Administrator a letter giving notice of the appeal and required supportive information within 30 calendar days of the decision which is subject to the appeal. Supportive information shall include, but not be limited to the following:
 1. Copies of all materials submitted to the Technical Review Committee upon which the decision being appealed was based.
 2. Copies of any written decisions or findings of fact which are the subject of the appeal.
 3. A letter describing the reasons for the appeal noting specific sections of this Ordinance, Georgia State Code, or other standards applicable to Clayton County upon which the appeal is based.
- B. **Public Meeting Notification:** Notification for a scheduled public hearing regarding

the Site Development Plan shall be completed consistent with the requirements of Article 13 of this Ordinance.

- C. **Board of Zoning Appeals Hearing:** The Board of Zoning Appeals will then, in a public hearing scheduled consistent with the adopted calendar of filing and meeting dates, review the appeal and supportive information.
- D. Either the entity initiating the appeal or their representative must be present at the public hearing to present the appeal and address any questions from the Board of Zoning Appeals.
 - 1. The Board of Zoning Appeals shall consider a report from the Zoning Administrator, testimony from the petitioner, and testimony from any interested parties at the public hearing.
 - 2. The presentation of reports and testimony and all other aspects of the meeting shall be consistent with the requirements of the Rules and Procedures of the Board of Zoning Appeals.
 - 3. Upon hearing the appeal, the Board of Zoning Appeals may approve, approve with modifications, deny, or table the Site Development Plan application consistent with the approval procedure for applications referred to the Zoning Advisory Group by the Technical Review Committee described in this Article.

11.6 Construction Site Plan Application and Review Procedure

- A. **Application Requirements:** It shall be the responsibility of the petitioner to prepare and have certified, by a registered professional engineer in the State of Georgia, a complete set of Construction Site Plans, including profiles, cross-sections, specifications, and other supporting data for all required public streets, utilities, and other facilities. The applicant shall file an application for Construction Plan approval and the specified number of copies with the Department of Transportation and Development. This application shall:
 - 1. Be made on forms available at the Department of Transportation and Development and be signed and notarized by the owner and developer;
 - 2. Be accompanied by the specified number of copies of the Construction Site Plans meeting the requirements provided by the Department of Transportation and Development; and
 - 3. Be accompanied by a fee in the amount established by the adopted fee schedule.
- B. **Processing Standards:** No application shall be processed until the application is filled out correctly and all applicable attachments are presented to the Director of Transportation and Development.
- C. **Technical Review Committee:** The Director of Transportation shall contact the Zoning Administrator to place the application for Construction Site Plan Approval on the agenda for the applicable meeting of the Clayton County Technical Review Committee and distribute copies of the submittals to the Committee members.
 - 1. The applicant shall be responsible for obtaining the necessary approvals of utility providers, or other county, state, or federal agencies not represented on the Technical Review Committee.
 - 2. In reviewing the application, the Technical Review Committee shall consider whether or not the Construction Plans meet the requirements of this Ordinance and any other adopted and applicable construction standards or common engineering practices, and are consistent with the approved Site Development Plan.
 - 3. The Technical Review Committee shall make comments regarding the application and either approve, approve with modifications, table and

recommend modifications, or deny the Construction Site Plan approval request.

- a. The Technical Review Committee shall approve the Construction Site Plans if they are consistent with the approved Site Development Plan and all applicable provisions of this Ordinance, other applicable construction standards, and common engineering practices.
 - b. The Technical Review Committee shall approve the Construction Site Plans with modifications if minor modifications are required for the plans to be consistent with the approved Site Development Plan and all applicable provisions of this Ordinance, other applicable construction standards, and common engineering practices. Minor modifications are those which can be adequately agreed upon by the Technical Review Committee and the applicant at the Technical Review Committee meeting and which do not impact other aspects of the development's construction which would require subsequent review. The specified modifications shall be made by the petitioner and the specified number of Construction Site Plan sets provided to the Director of the Department of Transportation and Development within 90 calendar days of the Technical Review Committee meeting.
 - c. The Technical Review Committee shall table and recommend modifications to Construction Site Plans which require significant modifications to be consistent with the approved Site Development Plan and all applicable provisions of this Ordinance, other applicable construction standards, and common engineering practices. The petition shall be placed on the agenda for the next applicable Technical Review Committee meeting. The petitioner shall provide the specified number of revised sets of Construction Site Plans to the Director of The Department of Transportation and Development for review prior to that meeting consistent with the adopted calendar of meeting and filing dates. The Director shall notify the Zoning Administrator of the receipt of the Construction Site Plans for placement on the next available agenda for the Technical Review Committee Meeting and distribute copies of the submittals to the Committee members.
 - d. The Technical Review Committee shall deny the Construction Site Plans if they are found to be generally inconsistent with the approved Site Development Plan and any applicable provisions of this Ordinance, construction standards, and common engineering practices. Applicants may again apply for Construction Site Plan approval following a denial, and shall be required to pay all applicable fees consistent with the procedure for original petitions established by this Ordinance.
4. Upon approval of Construction Plans by the Technical Review Committee, the Director and/ or Zoning Administrator shall mark one set as "approved" and return it to the applicant with a Soil Erosion & Sedimentation Control Permit and/ or Grading Permit for the approved construction.

11.7 Specifications for Construction Plan Documents to be Submitted

The Construction Plans shall be based on the approved Site Development Plan. Construction Plans shall be prepared for all required improvements. Construction Plans shall be submitted in both paper (hard copy) and electronic format (on a disk in a format specified by the Department of Transportation and Development). Plans shall be drawn on standard 24 inch by 36 inch sheets at a scale of no less than 1 inch equaling 50 feet. The plans shall show the following:

- F. A map noting significant physical and topographical features of the tract. For plats

containing more than two lots, a topographical map at typical intervals of 2 feet contours, which shall be extended 400 feet beyond the boundary lines of the proposed tract, shall be submitted. This map shall also show the direction of the flow of surface water runoff to and from the site.

- G. Profiles showing existing and proposed elevations along center lines of all streets. Where a proposed street intersects an existing street or streets, the elevation along the center line of the existing street or streets within one 100 feet of the intersection shall be shown. Radii of all curves, lengths of tangents, central angles on all streets, and the intersection details shall be shown.
- H. Plans and profiles showing the location and typical cross-section of streets including curbs, gutters, sidewalks, rights-of-way, drainage facilities, manholes, and catch basins. Plans shall also show the location, size, and invert elevations of existing and proposed sanitary sewers, storm water drains, water lines, gas, and fire hydrants, showing connection to any existing or proposed utility systems.
- I. Location, size, elevation, and other appropriate descriptions of any other existing physical and natural features or facilities including features noted on the official map of local government, trees, the points of connection to proposed facilities and utilities, and the approximate high- and low-water elevations of all ponds, lakes, and streams.
- J. Any other construction details required to be shown by the Zoning Administrator or Technical Review Committee.

11.8 Completion of Improvements

The petitioner shall obtain from the Department of Transportation information regarding the current Clayton County policies regarding the installation and inspection of public improvements. The applicant shall construct the development, or section thereof, consistent with the approved Construction Plans, and the policies and procedures of the appropriate inspecting agencies or persons. No site work or earthwork shall be allowed until an Erosion and Sedimentation Control Permit and Grading Permit has been issued.

- J. All required improvements shall be made by the petitioner, at his/her expense, without reimbursement by the local government or any improvement district therein.
- K. The petitioner shall be required to retain at his/her expense a licensed civil engineer or surveyor who shall certify that the development construction is in compliance with the approved Construction Site Plans.
- L. If the Department of Transportation and Development or any other County reviewing agent finds upon inspection that any of the required improvements have not been constructed in accordance with the construction standards and specifications, the petitioner shall be responsible for correcting any errors in construction and completing the improvements in accordance with such standards and specifications. Wherever the cost of improvements is covered by a performance surety, the petitioner and the bonding company shall be severally and jointly liable for completing the improvements according to the appropriate specifications.

Administration

Article Twelve: Administration

12.1 Administrative Officer

The Clayton County Zoning Administrator, including his/her designee(s), will have the principal responsibility for administration and enforcing and/or coordination of the enforcement of this ordinance. The duties of the Zoning Administrator or his/her designee shall include, but not be limited to:

- A. Maintaining permanent and current records documenting the application of this Ordinance including, but not limited to, all maps, amendments, conditional uses, variances, and appeals
- B. Conducting inspections of structures and properties to determine compliance with the requirements of this Ordinance and all approvals granted by the Board of Commissioners, Zoning Advisory Group, Board of Zoning Appeals, and Community Development Department;
- C. Receiving, processing and referring to the Board of Commissioners all zoning amendment applications, comprehensive land amendments, and conditional uses;
- D. Receiving, processing, and referring to the Zoning Advisory Group all zoning amendment applications, comprehensive land amendments, and conditional uses, for recommendation to the Board of Commissioners;
- E. Receiving, processing, and referring to the Board of Zoning Appeals all administrative appeals, variances, and other matters upon which it is authorized to act under this ordinance and Georgia State Code;
- F. Receiving, processing, and referring all site development plans, preliminary plats and keeping permanent records of applications made and actions taken by the Technical Review Committee; and
- G. Provide all such clerical and technical assistance as may be required by the Zoning Advisory Group, Board of Zoning Appeals, Board of Commissioners, or other body in the execution of its duties as established by this ordinance and Georgia State Code.

12.2 Technical Review Committee

- A. **Committee Intent:** The Clayton County Technical Review Committee (also referred to as “Committee”) is responsible for providing technical review of certain types of petitions and applications. To ensure consistency with applicable adopted standards of Clayton County, the Technical Review Committee shall provide for efficiency in the approval process of petitions determined by the Zoning Advisory Group and the Board of Commissioners by providing an initial examination and report based on all applicable adopted requirements of Clayton County.
 1. **Approval Authority:** The Technical Review Committee shall have the authority to approve Site Development Plans as defined by Article 8 of this Ordinance.

2. **Review Authority:** The Technical Review Committee shall have the authority to review the following types of petitions, forwarding comments to the Clayton County Zoning Advisory Group and/ or Board of Commissioners:
 - a. Conditional Use Permits;
 - b. Zoning Map Amendment Petitions (re-zonings);
 - c. Planned Unit Development Concept Plans;
 - d. Planned Unit Detailed Development Plans; and
 - e. Site Development Plans (if necessary).
 3. **Approval Authority:** The Technical Review Committee shall have the authority to review and approve or deny the following types of petitions:
 - a. Site Development Plans; and
 - b. Construction Plans.
 4. **Appeal Rights:** All decisions of the Technical Review Committee may be appealed to the Board of Zoning Appeals following the procedure outlined in Article 13, Administrative Appeals.
- B. **Committee Structure:** The Community Development staff shall also serve as the staff for the Technical Review Committee. They shall distribute all appropriate materials and keep all necessary files and meeting records. The Technical Review Committee shall be as described below:
1. The Technical Review Committee shall, at a minimum, consist of the following members:
 - a. The Zoning Administrator and other staff of the Department of Community Development as determined by the Community Development Director;
 - b. A staff member of the Department of Transportation and Development;
 - c. A staff member of the Fire Department; and
 - d. Any additional members as identified by the Department of Community Development and approved per resolution by the Board of Commissioners.
 2. Members of the Technical Review Committee and/ or their designees shall be present at the time of the scheduled Committee meeting and submit written comments regarding each specific petition to the Zoning Administrator prior to the appropriate meeting.
 - a. Each Technical Review Committee member shall only comment on the aspects of each application that directly relate to their area of expertise regarding the applicable adopted standards of Clayton County.
 - b. If no comments are to be addressed from any member of the Technical Review Committee, they shall indicate that they have no objection to any aspect of the application via letter or memorandum, and therefore grant their individual approval.
 - c. The Zoning Administrator shall have an unanimous decision of approval by the Technical Review Committee members to determine the action to be taken on each application by the Committee.
 3. All applications which are not approved by the Technical Review Committee and not forwarded to the Zoning Advisory Group shall be tabled and placed on the agenda for the next appropriate Technical Review Committee meeting.
 - a. Prior to that meeting, the applicant shall address the comments of the Technical Review Committee, making appropriate modifications to the application materials.
 - b. The applicant shall provide appropriate copies of the revised materials prior to the next Technical Review Committee meeting based on the adopted calendar of meeting and filing dates.
 - c. The applicant must rectify all comments and receive approval from the

Technical Review Committee within one hundred eighty (180) calendar days from the date of the first tabling by the Committee. Any applications which are not approved within this time period may be denied by the Technical Review Committee. If the application is re-filed, it shall be considered a new application and shall be subject to all applicable requirements for new applications established by this Ordinance.

- d. The applicant may withdraw any petition following the review of the Technical Review Committee by submitting a notice of such withdrawal in writing to the Zoning Administrator. Any applications which are withdrawn and are subsequently re-filed shall be considered a new application and shall be subject to all applicable requirements for new applications established by this Ordinance.
- C. **Attendance Required:** Either the applicant or a representative of the applicant shall be required to attend all Technical Review Committee meetings at which their application shall be reviewed. If neither the applicant nor their representative is present, the application shall automatically be tabled and placed on the agenda for the next appropriate Technical Review Committee meeting.
- D. **Meeting Record:** The Zoning Administrator shall make written documentation of the comments and findings of the Technical Review Committee for each application and make those findings available to the applicant within three (3) business days of the Technical Review Committee's review. The written documentation shall consist of the following:
1. A letter to the petitioner stating the action taken by the Technical Review Committee; and
 2. A list of any outstanding comments made by the members of the Technical Review Committee, including references to appropriate sections of adopted, applicable requirements of Clayton County, the State of Georgia, and/or the Federal government.
- E. **Decision criteria:** In all cases, the Technical Review Committee shall only consider the applicable adopted requirements of this Ordinance, any adopted Clayton County engineering standards, any adopted standards of the Clayton County Water Authority, any adopted standards of the Clayton County Department of Transportation and Development, any adopted standards of the Clayton County Board of Health, and any other adopted and applicable standards of Clayton County, the State of Georgia, and/or the Federal government.
1. In all cases in which the Technical Review Committee has approval authority and an application conforms to the applicable standards, that application shall be approved.
 2. In no case shall any applicant be required to make any modifications to any application based solely on the opinions or other undocumented and adopted standards of any member of the Technical Review Committee. This shall not be interpreted as prohibiting any committee member from providing comments which express their professional opinions regarding an application being forwarded to the Zoning Advisory Group.
- F. **Appeal Procedure:** Any applicant or interested party may appeal the decision of the Technical Review Committee to the Board of Zoning Appeals. Applicants seeking relief from specific development standards or other requirements of the Zoning Ordinance which are unrelated to the Technical Review Committee's interpretation of the applicable requirements shall be required to obtain variance approval from the Board of Zoning Appeals.
1. The appealing party shall be required to provide the Zoning Administrator with written notice of the appeal within thirty (30) calendar days of the date of the

- Technical Review Committee decision.
2. The Zoning Administrator shall place the appeal on the agenda for the next appropriate Board of Zoning Appeals meeting consistent with the adopted calendar of meeting and filing dates.
 3. Public notice for the meeting shall be required, consistent with the provisions of this Ordinance.
 4. The Board of Zoning Appeals shall consider the provisions of this Ordinance all findings from the Technical Review Committee, and any other documented, applicable standards in deciding the appeal.

Processes, Permits, & Fees

Article Thirteen: Processes, Permits, and Fees

13.1 Types of Petitions and Permit applications

- A. Clayton County hereby requires that an application be submitted for the following types of petitions:
 1. Variance,
 2. Conditional Use,
 3. Administrative Appeal,
 4. Zoning Map Amendment,
 5. Comprehensive Plan Land Use Map Amendment,
 6. Site Development Plan (subject to the requirements of Article 11 of this Ordinance),
 7. Planned Unit Development (subject to the requirements of Article 7 of this Ordinance),
 8. Minor Subdivision (subject to the requirements of Article 3 of the Subdivision Ordinance), and
 9. Major Subdivision (subject to the requirements of Article 4 of the Subdivision Ordinance).
- B. Clayton County hereby requires that an application be submitted for the following types of permit applications:
 1. Sign Permit (permanent and temporary),
 2. Fence Permit,
 3. Building Permit, and
 4. Certificate of Occupancy.
- C. All applications shall be obtained through the Department of Community Development. Fees shall be paid at the Department of Community Development at the time that the application is submitted.
 1. All applications shall be made on forms provided by the Department of Community Development. All petitioners and permit applicants shall submit original applications which are completed in their entirety either in ink or typed. All applications shall be signed and notarized (if required).
 2. All applicants and agents shall submit copies of applications and necessary attachments as required by the Department of Community Development.
 3. All applications shall be assigned reference and/or docket numbers by the Zoning

Administrator. Applications shall be scheduled by the Zoning Administrator for the appropriate public hearings based on the completeness of the application consistent with the requirements of this Article and the appropriate adopted calendars of filing and meeting dates for the Technical Review Committee, Board of Zoning Appeals, Zoning Advisory Group, and Board of Commissioner's.

13.2 Schedule of Fees

The Department of Community Development shall maintain an official fee schedule for permits and processes outlined in this Ordinance. The Fees Schedule shall be available to the public in the Community Development Department. The fees schedule may be amended by the Board of Commissioners by a recommendation from the Department of Community Development.

Until all applicable fees, charges, and expenses have been paid in full, no final action shall be taken on any application, appeal, or petition.

Any person or persons who initiates construction of a structure or the alteration of land prior to obtaining a Erosion and Sedimentation Control Permit, Grading Permit, Building Permit, Sign Permit, Fence Permit, or any other required permit shall pay a fine equal to two (2) times the amount of the fee, in addition to the standard fee amount.

Zoning Amendment Process (ZA)

13.3 Zoning Amendment Process (ZA)

- A. Applications may be accepted to amend this Ordinance including without limitation, to amend this Ordinance, the Comprehensive Plan, or the Official Zoning Map.
1. An application to amend the text of this Ordinance may be initiated by the Board of Commissioners or by any person having an interest in the County.
 2. Unless initiated by the Board of Commissioners, all applications to amend the Official Zoning Map must be submitted by the owner of the affected property or the authorized agent of the owner. If submitted by an agent of the owner, such authorization shall be notarized and attached to the application.
 3. An application may be withdrawn without prejudice up to and including the date of the Zoning Advisory Group meeting. Withdrawal subsequent to that time shall mean such application may not be resubmitted for consideration for a period of six (6) months, counting from the date of withdrawal to the date of the renewed application. Unless withdrawn at a hearing, the withdrawal must be in writing, signed and dated by the applicant.

13.4 Pre-Application Conference

Prior to the submittal of an amendment, the applicant is encouraged to attend a pre-application conference with representatives of the County to discuss the application and review process. At this conference, the applicant will be provided with information regarding procedural review requirements, design and development standards, submission requirements, and design and construction requirements for infrastructure and natural resources.

1. It is the County's intent that all procedural and development requirements be identified during the pre-application conference. However, no person may rely upon

any comment concerning a proposed development or any expression of any nature about the proposal made by the participant at the pre-application conference as a representation or implementation or implication that the proposal will be ultimately approved or rejected in any form. Additionally, the failure to identify an applicable requirement or condition shall not preclude the County from requiring an applicant to comply with such requirement or condition.

13.5 Application for Amendments

- A. **Applications.** Each application required by this Ordinance, including without limitation, to amend this Ordinance, the Comprehensive Plan, Future Land Use Map, or the Official Zoning Map shall be filed with the Zoning Administrator. The following requirements for information are mandatory, unless the requirement is deleted by the Zoning Administrator. The Zoning Administrator may require additional information to evaluate the application, the suitability of the proposed use, and other aspects of any proposed development, and any such information shall be provided. Such information is not required for County-initiated applications.
- B. **Maximum Number per Month.** A maximum of ten (10) applications shall be accepted by the Zoning Administrator for consideration at any public hearing before the Zoning Advisory Group and/or the Board of Commissioners.
- C. **Filing Deadlines.** Any application shall be submitted by the advertised filing deadline schedule posted by the Zoning Administrator and approved by the Zoning Advisory Group. All applications shall be assigned reference and/or docket numbers by the Zoning Administrator. Petition applications shall be scheduled by the Zoning Administrator for the appropriate public hearing based on the completeness of the application consistent with the requirements of this Article and the appropriate adopted calendar of filing deadline schedule. An incomplete application will not be accepted.
- D. **Text Amendments.** Text amendment applications shall include the following information:
1. Name and current address of the applicant;
 2. Current provisions of the text to be affected by the amendment;
 3. Proposed wording of text change; and
 4. Reason for the amendment request.
- E. **Zoning Map Amendments.** Official Zoning Map amendment applications shall include the following information:
9. An application for map amendment (rezoning) as provided by the Zoning Administrator;
 10. An affidavit and consent of property owner (if the property owner is someone other than the petitioner);
 11. A letter of intent which describes the characteristics and operation of the development, including the projected population densities, proposed timeline for phasing or build-out, and number of potential employees. The detail statement shall include any written commitments being made regarding the Site Development Plan;
 12. A deed for the property involved;
 13. A location map showing and clearly identifying the subject property and showing all land within 1 mile of the subject property. The location map should identify the current zoning and use of all property within 1,320 feet of the subject property.
 14. A property survey showing all existing structures, topography, trees with a

- diameter measured at chest height of 8 inches or greater, floodplain and floodway boundaries (including elevations), rights-of-way, easements, building setback lines, drainage areas, pipes, known tiles, structures, utility services, historic structures, and road accesses. These items shall be identified for the subject site and adjacent properties within 400 feet.
15. A site plan, drawn to scale and bearing the seal of a professional engineer or land surveyor clearly showing all aspects of the property and all features relevant to the Site Development Plan, including:
 - a. All proposed setbacks, building envelopes, buffer yards, structure heights, and lot coverage calculations;
 - b. All proposed buildings, structures, fences or walls, areas of outdoor storage, permanent dumpsters, and other improvements;
 - c. All proposed locations and dimensions of road accesses, interior drives, parking lots, loading docks or areas, sight visibility triangles, and interior sidewalks (all public road access shall be subject to the approval of the Clayton County Department of Transportation and Development);
 - d. All proposed open spaces and recreational amenities;
 - e. All proposed stormwater management facilities;
 - f. All proposed locations and capacities of public and private utilities (all septic systems shall be subject to the approval of the Clayton County Board of Health, all public sewer connections shall be subject to the approval of the Clayton County Water Authority or appropriate public service provider);
 - g. Lakes, streams, and other waters on the site and associated buffers;
 - h. All proposed public improvements including sidewalks, street trees, and right-of-way dedications;
 - i. All proposed locations for temporary uses, such as seasonal sales areas; and
 16. Such other and additional information as may be requested by the Zoning Administrator.
- F. **Comprehensive Plan Amendments.** Comprehensive Plan amendment applications shall include the following:
1. Name and current address of the applicant;
 2. Current provisions of the text and/ or land use map to be affected by the amendment;
 3. Proposed wording of text change and/ or plot plan, survey or tax parcel map from the County Tax Assessor identifying the parcel to be amended; and
 4. Reason for the amendment request.

13.6 Technical Review Committee

The Clayton County Technical Review Committee shall review the petitions for zoning map amendments, including all supportive information on the date established by the adopted calendar of meeting and filing dates.

1. Either the applicant or a representative of the applicant must be in attendance to present address any questions the Technical Review Committee may have.
2. In reviewing the Conceptual Site Development Plan, the Technical Review Committee shall consider whether or not the proposed Conceptual Site Development Plan is consistent with the requirements of this Ordinance and the applicable adopted requirements of Clayton County.
3. The Technical Review Committee may approve, deny, table, or forward the Conceptual Site Development Plan to the Zoning Advisory Group in accordance with Article 12, Technical Review Committee.

13.7 Notice of Public Hearing

For all public hearings, the petitioner shall provide notice to the public consistent with the requirements of this section. Required public notice shall include the following:

- A. **Notice Sign:** The petitioner shall allow the Zoning Administrator to post on the subject property, at least fifteen (15) days prior to the public hearing, in a conspicuous place along every street frontage/ public right-of-way of the property for which an application has been submitted. A sign, having a minimum of forty-eight (48) inches by forty-eight (48) inches and three (3) inch lettering, shall contain information as to the application and date, time and place of the public hearing.
- B. **Legal Notice:** The Department of Community Development staff shall prepare a legal notice consistent with the requirements of State of Georgia in the local newspaper of general circulation specified by the Rules and Procedures of Clayton County. The legal notice shall appear in the newspaper no less than one (1) time at least fifteen (15) calendar days, but not more than forty-five (45) days prior to the date of the public hearing. Legal notices shall include each of the following:
 1. The general location of the subject property and a legal description of the land contained therein;
 2. The parcel identification number, street, or common address of the real estate;
 3. The current zoning classification and the proposed zoning classification;
 4. That the project plans are available for examination at the office of the Clayton County Department of Community Development;
 5. That a public hearing will be held giving the date, place, and hour of the hearing; and
 6. That written comments on the petition will be accepted prior to the public hearing and may be submitted to the Zoning Administrator.

If the notice does not run in the newspaper in conformance with these requirements, the application is void and cannot be considered at the public hearing as scheduled. The Zoning Administrator shall re-advertise for the next available public hearing date.

- C. **Notice to Interested Parties:** Written notice of the petition shall be distributed.
 1. The petitioner shall prepare and distribute written notice of the petition to all property owners as follows:
 - a. **Zoning Amendment:** Written notice of the petition shall be distributed to all property owners within two (2) ownerships or three hundred (300) feet of the boundaries of the subject property, whichever is greater. Furthermore, at the time of submittal, the Zoning Administrator may provide the petitioner with listing of additional mailing addresses of property owners and/ or organizations to adequately notify the community.
 - b. **Planned Unit Development:** Written notice of the petition shall be distributed to all property owners within two (2) ownerships or five hundred (500) feet of the boundaries of the subject property, whichever is greater. Furthermore, at the time of submittal, the Zoning Administrator may provide the petitioner with listing of additional mailing addresses of property owners and/ or organizations to adequately notify the community.
 - c. **Conditional Use:** Written notice of the petition shall be distributed to all property owners within two (2) ownerships or three hundred (300) feet of the boundaries of the subject property, whichever is greater.
 - d. **Variance:** Written notice of the petition shall be distributed to all

property owners within two (2) ownerships or two hundred (200) feet of the boundaries of the subject property, whichever is greater.

- e. **Additional Requests:** The petitioner of any additional request(s) shall provide written notice of the petition to all adjoining property owners of the boundaries of the subject property.
2. The notice shall contain the same information as the legal notice which is published in the newspaper as outlined in Article 13.7(B).
 3. The distribution and cost of the notice shall be the responsibility of the petitioner.
 4. The petitioner shall obtain the names and mailing addresses of those to be notified from the Zoning Administrator. These names and mailing addresses will be provided directly from the Property Transfer Books and/ or digital record files contained in the Clayton County Tax Assessor's Office. Only owners reflected on the records of the Tax Assessors as of the date of the application shall be entitled to notice. A copy of the names and addresses of these property owners that was provided to the petitioner shall be retained by the Zoning Administrator at the time the petition is filed.
 5. The notices shall be sent to each property owner at least one (1) time, and must be postmarked a minimum of at least fifteen (15) calendar days before the date of the public hearing. The mailing shall be sent via a letter by first class mail, with proof of mailing obtained from the Post Office. Proof of mailing means either a "Certificate of Mailing" or a "Certified Mail" receipt; a "Return Receipt" showing delivery is not required. No other form of mailing shall be acceptable.
 6. A copy of the materials provided to each property owner, a copy of all certified mailing receipts, and a signed and notarized Affidavit of Notice certifying the correctness of the mailing shall be provided to the Zoning Administrator a minimum of seven (7) business days prior to the date of the public hearing.
- D. **Informational Meeting for Citizens:** The Planning and Zoning Office, within the Department of Community Development, will host an informational meeting for citizens to understand the zoning process and to be aware of pending zoning requests within Clayton County. This meeting is held for the applicant and the Planning and Zoning Office to share information about proposed zoning requests to the community.
1. The dates and time of the informational meetings shall be adopted by the Zoning Advisory Group on an annual basis and be noted concurrently with their regularly scheduled meeting dates.
 2. Site plans scheduled to be on the next Zoning Advisory Group's meeting agenda shall be displayed at the informational meeting for citizens.
 3. The Zoning Administrator and/ or his/ her designee(s) shall be present at the meeting to discuss the proposed petition and answer any questions from the community.
- E. **County Exceptions.** The provisions of Sections 13.7.A and 13.7.C shall not apply if the application is initiated by Clayton County and its Board of Commissioners.

13.8 Zoning Advisory Group Hearing

- B. The Zoning Advisory Group will then, in a public hearing scheduled consistent with the adopted calendar of filing and meeting dates, review the rezoning application and required supportive information.
 1. Either the applicant or a representative of the applicant must be present at the public hearing to present the petition and address any questions the Zoning Advisory Group may have.
 2. The Zoning Advisory Group shall consider a report from the Zoning Administrator, testimony from the applicant, and testimony from the public and

- interested parties at the hearing.
3. The presentation of reports and testimony and all other aspects of the public hearing shall be consistent with the requirements of the Rules and Procedures of the Zoning Advisory Group.
- B. **Recommendation.** The Zoning Advisory Group shall either forward the application to the Board of Commissioners with a favorable recommendation, an unfavorable recommendation, or table the request.
- a. The application shall be forwarded with a favorable recommendation if it is found to be consistent with the decision criteria listed below in Section 13.10 of this Article.
 - b. The application shall be forwarded with an unfavorable recommendation if it is found to be inconsistent with the decision criteria listed below in Section 13.10. of this Article
 - c. The application shall be tabled if more information is needed for review, consistent with the adopted Rules and Procedures of the Zoning Advisory Group.
- C. **Certification:** The Zoning Advisory Group shall certify its recommendation by resolution to the Board of Commissioners. The Community Development staff shall forward to the Board of Commissioners appropriate copies of the Zoning Advisory Group resolution, the original application and all supportive information, any staff reports regarding the petition and zoning amendment for the Board of Commissioners consideration.

13.9 Board of Commissioner's Public Hearing

- A. The Board of Commissioners shall hold a public hearing, on the proposed amendment made pursuant to this Article, on the proposed zoning amendment within 60 calendar days of its certification by the Zoning Advisory Group. At the public hearing, the Board of Commissioners shall review the analysis submitted by the Zoning Administrator and the recommendation prepared by the Zoning Advisory Group. So that the purpose of this Ordinance will be served, health, public safety and general welfare secured, the Board of Commissioners may approve or deny the application, reduce the land area for which the application is made, change the district or land use category requested, or add or delete conditions of the application. The Board of Commissioners shall have the power to impose a different zoning classification from the classification requested, and impose any zoning conditions which ameliorate the impact of the zoning on neighboring property owners, or serve other lawful purposes of this ordinance. An action by the Board of Commissioners to defer the application shall include a statement of the date and time of the next meeting at which the application will be considered, which statement shall constitute public notice of the hearing on the application, and no further notice is required.
- B. In conjunction with the approval of a map amendment in accordance with this Article, the Board of Commissioners may impose conditions to zoning approval which shall have the full force and effect of law. A condition to zoning approval may be imposed regardless of whether it is agreed to by the applicant or property owner. Use or development of the rezoned property shall not be permitted unless the conditions are fully complied with.
- C. Conduct of the hearing.
1. All persons who wish to address the Board of Commissioners at a hearing concerning a proposed zoning decision under consideration by the Board of Commissioners shall first sign up on a form to be provided by the County prior to the commencement of the Public Hearing.
 2. The Zoning Administrator or his designee will read the proposed zoning decision under consideration and summarize the departmental reviews pertaining thereto

- prior to receiving public input on said proposed zoning decision. Proposed zoning decisions shall be called in the order as designated upon the agenda.
3. The Chairman shall call each person who has signed up to speak on the zoning decision in the order in which the persons have signed up to speak, except the applicant who will always speak first. Prior to speaking, the speaker will identify himself or herself and state his or her current address. Only those persons who signed up to speak prior to the commencement of the hearing shall be entitled to speak, unless the Board of Commissioners, in its discretion, allows the person to speak to the zoning decision, notwithstanding the failure of the person to sign up prior to the hearing.
 4. Each speaker shall be allowed three (3) minutes to address the Board of Commissioners concerning the zoning decision then under consideration, unless the Board of Commissioners, prior to or at the time of the reading of the proposed zoning decision, allows additional time in which to address the Board of Commissioners on said proposed zoning decision. The applicant or his representative may initially use all of the time allotted to him to speak, or he may speak and reserve a portion of his allotted time for rebuttal. Provided, however, that the proponents and opponents of each amendment shall have no less than ten (10) minutes per side for presentation of data, evidence, and opinion thereon.
 5. Each speaker shall speak only to the merits of the proposed zoning decision under consideration and shall address his remarks only to the Board of Commissioners. Each speaker shall refrain from personal attacks on any other speaker or the discussion of facts or opinions irrelevant to the proposed zoning decision under consideration. The Board of Commissioners may limit or refuse a speaker the right to continue, if the speaker, after first being cautioned, continues to violate this subsection.
 6. Immediately following the presentations, the Chairman will announce that the portion of the Public Hearing is closed. At this point, input from the public is over and the Board of Commissioners will then review the public testimony, discuss the application for amendment, and render a decision. The Board of Commissioners will then move onto the next agenda item.
 7. The County Clerk will maintain a public record of the minutes of the Board of Commissioners meeting. The Department of Community Development will also maintain a complete record of the case for public review. These record include all modifications of the application and any conditions the Board has imposed.
 8. Nothing contained herein shall be construed as prohibiting the Board of Commissioners from conducting the hearing in an orderly and decorous manner to assure that the public hearing on a proposed zoning decision is conducted in a fair and orderly manner.

13.10 Decision Criteria

The following standards governing the exercise of the zoning power are adopted in accordance with O.C.G.A. 36-66-5(b):

- A. The existing land uses and zoning classification of nearby property;
- B. The suitability of the subject property for the zoned purposes;
- C. The extent to which the property values of the subject property are diminished by the particular zoning restrictions;
- D. The extent to which the diminution of property values of the subject property promotes the health, safety, morals or general welfare of the public;

- E. The relative gain to the public, as compared to the hardship imposed upon the individual property owner;
- F. Whether the subject property has a reasonable economic use as currently zoned;
- G. The length of time the property has been vacant as zoned considered in the context of land development in the area in the vicinity of the property;
- H. Whether the proposed zoning will be a use that is suitable in view of the use and development of adjacent and nearby property;
- I. Whether the proposed zoning will adversely affect the existing use or usability of adjacent or nearby property;
- J. Whether the zoning proposal is in conformity with the policies and intent of the land use plan;
- K. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools; and
- L. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

13.11 Zoning Conditions

- A. **Proposed Zoning Conditions:** The Board shall have the authority to impose zoning conditions on any rezoning application. Additionally, the petitioner in any rezoning application may suggest proposed zoning conditions relating to ameliorating the negative characteristics of the proposed future use of the subject property, or relating to the resolution of outstanding issues in existence on the subject property.
 1. Proposed conditions may be submitted by the petitioner as an element of the initial submittal of application materials, as a response to comments made through the Technical Review Committee, or in response to any modifications requested by the Zoning Advisory Group during the public hearing.
 2. The members of the Department of Community Development, the Zoning Advisory Group, or the Board of Commissioners may also suggest proposed zoning conditions.
 3. The Board of Commissioners shall consider all proposed zoning conditions in its review of the rezoning application. At the Board of Commissioners request, any deletion, addition, or alteration of the proposed zoning conditions may be referred back to the Zoning Advisory Group for consideration and inclusion in a revised or affirmed recommendation regarding the application.
 4. Final action on any rezoning application may include approval with or without zoning conditions, tabling for more information, denial or approval of a different zoning classification than initially proposed. Zoning conditions may also be modified. Zoning conditions should be in writing or clearly stated for the record, and should be kept with the minutes of the rezoning. The zoning map shall be annotated to indicate a conditional rezoning. Zoning conditions shall be recorded in the deed records to provide further notice.
 5. Any zoning conditions imposed shall be considered part of this zoning amendment binding on the subject property. Zoning conditions shall be binding on the owner of the subject property, any subsequent owners of the subject property, and any person or entity that acquires an interest in the subject property or portion thereof. Zoning conditions shall be enforceable by the Clayton County Department of Community Development and the Board of Commissioners consistent with the adopted provisions for the enforcement of any aspect of this zoning amendment.

6. Zoning conditions may be modified only through the Zoning Amendment process described in this ordinance.

13.12 Appeals to Superior Court

Appeals of the grant or denial of a rezoning decision shall be taken within thirty (30) days of the decision by filing an appeal in superior court, pursuant to the provisions in Title 5 of the Georgia Code. Such appeals shall be de novo.

13.13 Modifications

The Zoning Administrator shall have the authority to approve minor changes to conditions attached to an approved zoning amendment. Minor changes are those that implement only slight alterations to the approved conditions, made necessary by actual field conditions at the time of development, that do not alter the impact of the development on nearby properties nor the intent or integrity of the conditions as originally imposed. Any request for minor change of conditions shall be made in written form to the Zoning Administrator. If an approved site plan exists, the request for minor change shall be accompanied by copies of the revised site plan. Any major change to conditions attached to an approved zoning amendment shall require an application and hearing before the Zoning Advisory Group and the Board of Commissioners as is required in this Ordinance for amendments to the official zoning map. Without limiting the meaning of the phrase, the following shall be deemed to constitute "major change" for purposes of interpreting this section:

1. The movement of any building or structure adjacent to an exterior boundary line, closer to the boundary line of the property;
2. Any increase in the number of dwelling units or any increase in the total amount of floor space of any nonresidential building;
3. Any change in any buffer requirement(s) imposed in the original conditional zoning amendment;
4. Any increase in the height of any building or structure; or
5. Any change in the proportion of floor space devoted to different authorized uses.

An adversely affected party may appeal any decision by the Zoning Administrator to the Board of Zoning Appeals within thirty (30) calendar days of the determination. The Board of Zoning Appeals has the authority to establish rules governing the nature of proceedings and notice required to make a modification under this Article.

13.14 Reapplication

If the decision of the Board of Commissioners is to deny the land use amendment (rezoning of property) then the same property may not again be considered for a land use amendment until the expiration of at least one (1) year immediately following such denial.

At any time, the Board of Commissioners may initiate a land use petition on property which was previously rezoned. However, a six (6) month waiting period from the date of final Board action is required when a rezoning request was previously denied.

If a petition was previously denied, the owner must demonstrate that the proposed land use petition is significantly different from the previous denial to the satisfaction of the Board of Commissioners before it can be considered for reinitiation. A significant difference includes, but is not limited to a change in zoning district, use, density, height, buffers use petition is significantly different from the previous denial to the satisfaction of the Board of or other methods of screening, or other items which were discussed at a public hearing.

13.15 Revocation

Upon the expiration of one (1) year from the date of approval for an amendment to the Official Zoning Map for which development has been abandoned (abandonment shall be deemed to have occurred when no, or minimal, improvements have been made), the Board of Commissioner may rezone the property to the previous zoning district or any other zoning classification with proper public notice and action as described by this Ordinance.

Upon abandonment of a development, the Zoning Administer shall contact the property owner of the expiration of one (1) year. Prior to the public hearing, the owner may provide the Zoning Administrator with any documentation for consideration by the Board of Commissioners. If official documentation is provided, the Board of Commissioners shall pay reasonable consideration to the following occurrences:

1. Substantial monetary value placed into the development of the land,
2. A delay resulting from court action involving the property in question,
3. Non-availability of utilities or facilities resulting from government inaction, and
4. A delay in development resulting from receiving permitting and proper approval from a Federal of State Agency.

Conditional Use Process (CU)

13.16 Conditional Use Process (CU)

The following procedure applies to conditional use petitions:

- A. **Application:** The applicant or representative of the applicant shall submit a conditional use application, affidavit and consent of property owner (if the owner is someone other than the applicant), a deed for the property involved, the required filing fee, and required supportive information. Supportive information shall include, but not be limited to the following:
 1. A site plan drawn with a straight edge, signed, and dated, clearly shows the entire layout of the property and all features relevant to the conditional use request.
 2. A letter of intent to the Board of Commissioners describing the details of the conditional use request including but not limited to:
 - a. The ways in which the conditional use shall comply with the applicable development standards of this Ordinance,
 - b. The ways in which the conditional use shall be consistent with the decision criteria described by Article 13.10 of this Ordinance, and
 - c. Any written commitments being made by the applicant.
 3. A letter from the Clayton County Board of Health indicating that the conditional use will make acceptable use of an existing or proposed septic system, or a letter from a public sewer provider stating that the proposed conditional use shall be served by its utility.
- B. **Notification:** Notification for the scheduled public hearing regarding the conditional use request shall be completed consistent with Article 13 of this ordinance.
- C. **Technical Review:** The Clayton County Technical Review Committee shall review the petitions for zoning map amendments, including all supportive information on the date established by the adopted calendar of meeting and filing dates.
 1. Either the applicant or a representative of the applicant shall be present during the review to answer questions regarding the application.
 2. In reviewing the Conceptual Site Development Plan, the Technical Review Committee shall consider whether or not the proposed Conceptual Site

Development Plan is consistent with the requirements of this Ordinance and the applicable adopted requirements of Clayton County.

3. The Technical Review Committee may approve, deny, table, or forward the Conceptual Site Development Plan to the Zoning Advisory Group in accordance with Article 12, Technical Review Committee.

D. Zoning Advisory Group Hearing: The Zoning Advisory Group will, in a public hearing scheduled consistent with the adopted calendar of filing and meeting, review the conditional use application and required supportive information.

1. Either the applicant or a representative of the applicant must be present at the public hearing to present the petition and address any questions the Zoning Advisory Group may have.
2. The Zoning Advisory Group shall consider a report from the Zoning Administrator, testimony from the applicant, and testimony from the public and interested parties at the hearing.
3. The presentation of reports and testimony and all other aspects of the public hearing shall be consistent with the requirements of the Rules and Procedures of the Zoning Advisory Group.

The Zoning Advisory Group shall either forward the application to the Board of Commissioners with a favorable recommendation, an unfavorable recommendation, or no recommendation, or table the request.

- a. The application shall be forwarded with a favorable recommendation if it is found to be consistent with the decision criteria listed above in Article 13.10.
- b. The application shall be forwarded with an unfavorable recommendation if it is found to be inconsistent with the decision criteria listed below in Article 13.10.
- c. The application may be forwarded with no recommendations if, by a majority vote of the Zoning Advisory Group, it is determined that the application includes aspects which the Zoning Advisory Group is not able to evaluate.
- d. The application shall be tabled if more information is needed for review, consistent with the adopted Rules and Procedures of the Zoning Advisory Group.

E. Board of Commissioners Hearing. The Board of Commissioners shall hold a public hearing on the proposed conditional use application within sixty (60) calendar days of its certification by the Zoning Advisory Group. There shall be no cases or application therefore, nor any particular situation in which this Ordinance authorizes conditional uses without the approval of the Board of Commissioners. Further, no decisions on previous applications shall serve to set precedence for any other application before the Board of Commissioners.

1. The Board of Commissioners shall provide notification of action on the conditional use application consistent with Georgia State Code.
2. The Board of Commissioners may approve, deny, or table the conditional use application.

F. Decision criteria. When considering a conditional use the Board of Commissioners may examine the following items as they relate to the proposed use:

1. A proper application has been filed in accordance with the requirements of the Ordinance;
2. A recommendation has been certified from the Zoning Advisory Group;
3. The applicant is in compliance with the particular conditions for the proposed conditional use permit that are required by this Ordinance;
4. The use is consistent with the purposes and intent of this Ordinance;
5. Compliance with the decision criteria contained in Section 13.10 of this Ordinance; and

6. The satisfaction that the benefits of and need for the proposed conditional use permit outweigh any possible harmful effects, negative impacts, or damages to the neighboring properties or the County in general.

In compliance with Federal law, if the conditional use is requested by a place of worship or church, in connection with the exercise of religion, the Zoning Advisory Group and the Board of Commissioners shall additionally consider whether the regulation imposes a substantial burden on the exercise of religion, whether the regulation serves a compelling governmental interest, whether the denial is the least restrictive means to serve that interest, or whether the conditional use can be granted without harming that interest.

Furthermore, if the conditional use is related to a Group Home for Persons with a Disability, the Board of Commissioners shall additionally consider what reasonable accommodations in this Ordinance can be made to provide persons with a disability equal opportunities to use and enjoy dwellings, while not abrogating the purposes of this Ordinance. Any reasonable accommodation should only relate to the disability.

- G. The Board of Commissioners may impose such reasonable conditions upon its approval as it deems necessary to protect the health, safety, and welfare of the public.
- H. Unless otherwise specified by the Board of Commissioners, conditional use approvals shall be limited to, and run with the land specified in the application. The Board of Commissioners may also limit conditional uses to a specific time period and for a specific use.

13.17 Zoning Conditions

- A. **Proposed Zoning Conditions:** The Board shall have the authority to impose zoning conditions on any rezoning application. Additionally, the petitioner in any rezoning application may suggest proposed zoning conditions relating to ameliorating the negative characteristics of the proposed future use of the subject property, or relating to the resolution of outstanding issues in existence on the subject property.
 1. Proposed conditions may be submitted by the petitioner as an element of the initial submittal of application materials, as a response to comments made through the Technical Review Committee, or in response to any modifications requested by the Zoning Advisory Group during the public hearing.
 2. The members of the Department of Community Development, the Zoning Advisory Group, or the Board of Commissioners may also suggest proposed zoning conditions.
 3. The Board of Commissioners shall consider all proposed zoning conditions in its review of the rezoning application. At the Board of Commissioners request, any deletion, addition, or alteration of the proposed zoning conditions may be referred back to the Zoning Advisory Group for consideration and inclusion in a revised or affirmed recommendation regarding the application.
 4. Final action on any rezoning application may include approval with or without zoning conditions, tabling for more information, denial or approval of a different zoning classification than initially proposed. Zoning conditions may also be modified. Zoning conditions should be in writing or clearly stated for the record, and should be kept with the minutes of the rezoning. The zoning map shall be annotated to indicate a conditional rezoning. Zoning conditions shall be recorded in the deed records to provide further notice.
 5. Any zoning conditions imposed shall be considered part of this zoning amendment binding on the subject property. Zoning conditions shall be binding on the owner of the subject property, any subsequent owners of the subject property, and any person or entity that acquires an interest in the subject property or portion thereof. Zoning conditions

shall be enforceable by the Clayton County Department of Community Development and the Board of Commissioners consistent with the adopted provisions for the enforcement of any aspect of this zoning amendment.

6. Zoning conditions may be modified only through the Zoning Amendment process described in this ordinance.

13.18 Appeals to Superior Court

Appeals of any decision to deny or grant a conditional use permit shall be filed within thirty (30) days by filing an appeal to superior court, pursuant to the provisions of Title 5 of the Georgia Code. Such appeal shall be de novo.

13.19 Conditional Use Execution and Termination

- A. If the Board of Commissioners grants a conditional use permit, it may direct the applicant to apply for a Soil Erosion and Sedimentation Control, Grading, and/ or Building Permit. If such application complies with all established requirements and this Ordinance, a Certificate of Occupancy for the execution of the approved conditional use may be issued.
- B. The Board of Commissioners may cease the authorization of a conditional use permit with the proper public notice and action as described by this Ordinance if a Building Permit or Certificate of Occupancy for the execution of the approval has not been obtained within one (1) year of the date the conditional use is granted. The conditional use shall also be terminated if the approved construction has not been completed and approved by the Zoning Administrator as being consistent with all conditions, the requirements of this Ordinance, and all applicable permits within two (2) years of the date the conditional use permit is granted.

13.20 Reapplication

If the decision of the Board of Commissioners is to deny the conditional use of property, then the same property may not again be considered for the same conditional use until the expiration of at least one (1) year immediately following such denial.

At any time, the Board of Commissioners may initiate a conditional use petition on property which was previously considered. However, a six (6) month waiting period from the date of final Board action is required when a conditional use permit request was previously denied.

If a petition was previously denied, the owner must demonstrate that the proposed conditional use permit petition is significantly different from the previous denial to the satisfaction of the Board of Commissioners before it can be considered for re-initiation.

Variance Process (VA)

13.21 Variance Process (VA)

The following procedure shall apply to all variance petitions:

- A. **Application:** The applicant or representative of the applicant shall submit a variance application, affidavit and consent of property owner (if the owner is someone other than the petitioner), a deed for the property involved, the required filing fee, and required supporting information. Supporting information shall include, but not be limited to the following:
 1. A site plan drawn with a straight edge, signed, and dated, clearly shows the entire

- layout of the property and all features relevant to the variance request.
2. A letter of intent to the Board of Zoning Appeals describing the details of the variance being requested and stating how the request is consistent with the required findings of fact described by Article 10.8 of this Ordinance. The letter should include any written commitments being made by the petitioner.
 3. A letter from the Clayton County Board of Health, if applicable indicating that the variance will not negatively affect the operation of a septic system.
- B. **Notification:** Notification for the scheduled public hearing regarding the variance request shall be completed consistent with Article 13 of this Ordinance.
- C. **Public Hearing:** The Board of Zoning Appeals will then, in a public hearing scheduled consistent with the adopted calendar of filing and meeting dates, review the variance application and required supportive information.
1. Either the applicant or a representative of the applicant must be present at the public hearing to present the application and address the required findings of fact.
 2. The Board of Zoning Appeals shall consider a report from the Zoning Administrator, testimony from the applicant, and testimony from the public and interested parties at the hearing.
 3. The presentation of reports and testimony and all other aspects of the public hearing shall be consistent with the requirements of the Rules and Procedures of the Board of Zoning Appeals.
 4. The Board of Zoning Appeals may approve, approve with conditions, deny, or table the petition.
 - a. The application shall be approved if findings of fact are made consistent with the requirements of Article 10.8 of this Ordinance and Georgia State Code.
 - b. The application shall be approved with modifications if the Board of Zoning Appeals determines that the required findings of fact may be made if certain conditions are applied to the application. The Board of Zoning Appeals may make reasonable conditions related to the required findings of fact part of its approval or accept written commitments from the applicant.
 - c. The application shall be denied if findings of fact consistent with the requirements of Article 10.8 of this Ordinance and the Georgia State Code are not made. Applications which are denied shall not be eligible for consideration again by the Board of Zoning Appeals for a period of one (1) year from the date of denial.
 - d. The application shall be tabled if more information is needed to review, consistent with the adopted Rules and Procedures of the Board of Zoning Appeals.

Administrative Appeal Process (AA)

13.22 Administrative Appeal Process (AA)

The following procedure shall apply to all appeals of administrative decisions;

- A. **Application:** The petitioner or representative to the applicant shall submit an administrative appeal application and required supportive information within 30 calendar days of the decision which is subject to appeal. Supportive information shall include, but not be limited to the following:
1. Copies of all materials submitted to the County's staff member or administrative board upon which the decision being appealed was based.
 2. Copies of any written decisions which are the subject of the appeal.
 3. A letter describing the reasons for the appeal noting specific sections of this

Ordinance, Georgia State Code, or other standard applicable to Clayton County upon which the appeal is based.

- B. **Notification:** Notification for the scheduled public hearing regarding the administrative appeal shall be completed consistent with Article 13 of this Ordinance.
- C. **Public Hearing:** The Board of Zoning Appeals will then, in a public hearing scheduled consistent with the adopted calendar of filing and meeting dates, review the administrative appeal application and supportive information.
 - 1. Either the applicant or a representative of the applicant must be present at the public hearing to present the appeal and address any questions from the Board of Zoning Appeals.
 - 2. The Board of Zoning Appeals shall consider a report from the Zoning Administrator, testimony from the applicant, and testimony from any interested parties at the hearing.
 - 3. The presentation of reports and testimony and all other aspects of the public hearing shall be consistent with the requirements of the Rules and Procedures of the Board of Zoning Appeals.
 - 4. The Board of Zoning Appeals may grant, grant with modifications, deny, or table the appeal.
 - a. The appeal may be approved if findings of fact are made consistent with the requirements of Article 10.11 of this Ordinance and Georgia State Code.
 - b. The appeal may be granted with modifications if the Board of Zoning Appeals determines that the proper interpretation of the provision(s) which are subject to the appeal is not being consistent with neither the administrative decision nor the requested interpretation of the applicant.
 - c. The appeal may be denied if findings of fact are made supporting the administrative decision.
 - d. The appeal may be tabled if more information is needed for review, consistent with the adopted Rules and Procedures of the Board of Zoning Appeals.

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Enforcement & Penalties

Article Fourteen: Enforcement and Penalties

14.1 Authority

The Zoning Administrator (and their designees) are designated to enforce the provisions, regulations, and intent of this Ordinance. All remedies and enforcement shall comply with the powers set forth in all applicable State of Georgia laws.

14.2 Enforcement Options

Enforcement of this ordinance may be through criminal prosecution, civil fines, or other civil proceedings. Any person, firm, partnership, corporation or other legal entity who shall do anything prohibited by this Ordinance as the same exists or as it may hereafter be amended or which shall fail to do anything required by this Ordinance as the same exists or as it may hereafter be amended shall be subject to an enforcement action.

- A. Representatives of the County shall have the power to conduct such investigations as may reasonably be deemed necessary to assure or compel compliance with the requirements and provisions of this Ordinance, and for this purpose to enter at reasonable times upon any property for the purpose of investigation and inspection, as permitted by law. Officers and officials may request inspection warrants or search warrants on probable cause of a violation occurring inside a structure. No warrant shall be required to investigate visible and open violations or uses.
- B. No person shall obstruct, hamper or interfere with any County representative while in the process of carrying out his official duties in the enforcement of this Ordinance.

14.3 Persons Who May Be Cited

Owners are ultimately responsible for the condition of their property and ensuring that their property and all activity occurring on such property is in compliance with this

Ordinance. For any violation, both the owner of the property and/or the individual agent, tenant or invitee of the owner responsible for the violation may be cited, where appropriate. Agents of the owner would include, but not be limited to, developers, builders, contractors, and sub-contractors. Tenants and invitees would include, but not be limited to, any renter, leaseholder, owner of any vehicle or structure on the property, or other person conducting an activity on the property who is not a trespasser. Corporations and companies responsible for the work may be cited in addition or in lieu of or in addition to citations issued to the actual individual(s) on-site committing the violations.

14.4 Daily Violations

Each day during which the violation or failure or refusal to comply continues shall constitute a separate violation, subjecting the offender to a new citation, or other civil or criminal proceeding.

14.5 Multiple Violations

Each separate action, omission, or occurrence relating to any specific provision of this Ordinance shall be a separate violation, subjecting the offender to a separate citation. Multiple junk cars count as one violation, but the fee increases as shown in Section 14.6 below.

14.6 Criminal Prosecution

The Zoning Administrator, or designated code enforcement personnel, or other authorized personnel, may issue criminal citations for violations of this ordinance, or violation of any stop-work order.

- A. Criminal prosecutions for violation of this Ordinance shall be commenced by the completion, signing, and service of a citation by an authorized county official or zoning enforcement officer. No warning need be issued prior to a citation being issued. The original of the citation shall be personally served upon the accused, his or her authorized representative or, if a corporation, an officer of the corporation or its on-site representative or the person or persons in charge of the activity on the property; a copy shall be promptly filed with the magistrate court. A stop-work order may be issued in conjunction with a citation.
- B. Each citation shall state the time and place at which the accused is to appear for trial in magistrate court, shall identify the offense with which the accused is charged, shall have an identifying number by which it shall be filed with the Court, shall indicate the identity of the accused and the date of service, and shall be signed by the deputy sheriff or other authorized officer who completes and serves it.
- C. Any Defendant who fails to appear for trial shall thereafter be arrested on the warrant of the Magistrate and required to post a bond for his or her future appearance.
- D. The District Attorney, County Attorney, or another attorney designated by Clayton County may act as prosecuting attorney for violations of this Ordinance.
- E. Fines shall be assessed in accordance with Sec. 14.10.

14.7 Civil Fines and Proceedings

In addition to or in lieu of any other remedy, the County may seek injunctive, mandamus or other appropriate relief in superior court to enjoin or prevent a violation of any provision of this Ordinance. Such action may also seek civil fines at the mandatory rates

specified in subsection Section 14.10 for violation of this Ordinance, and may additionally seek the costs of restitution, and any other costs associated with the action to enjoin or prevent any violation of any provision of this Ordinance. The County shall be entitled to its reasonable attorney's fees and costs for bringing an action in superior court wherein any relief is granted or fine assessed.

14.8 Stop Work Orders

Upon notice from the Zoning Administrator, designed code enforcement officers, or other authorized personnel, work on any project that is being done contrary to the provisions of this Ordinance shall be immediately stopped.

- A. Stop work orders shall affect all work being done on a project or development (including work done on other lots in the subdivision owned by the same violator). Stop work orders stop not only the work in violation, but all other work by contractors or sub-contractors on the same property. Only work to remedy the deficiency shall be allowed until the stop work order is lifted.
- B. A stop work order shall be in writing and shall be given to the owner of the property, his authorized agent or the person or persons in charge of the activity on the property, and shall state the conditions under which work may be resumed. Where an emergency or other exigent circumstances exist, no written notice shall be required, and a verbal stop work order may be issued, with a written order to be provided within three working days.
- C. Stop work orders may be issued on their own, or in conjunction with criminal citations, or civil proceedings in superior court.
- D. Issuance of a stop work order may be appealed to the Board of Appeals, as identified within Article 13, Administrative Appeal (AA).

14.9 Additional Criminal Penalties

Persons cited criminally are also subject to the other penalties within the jurisdiction of the magistrate court, including incarceration up to sixty (60) days, community service, and probation.

14.10 Fines

Fines assessed under this Ordinance shall be assessed by the Zoning Administrator and its designees, whether assessed as a civil fine in superior court, or assessed as a criminal penalty upon conviction in magistrate court. The maximum permissible fine shall be \$1,000 per offense. Fines may be increased by mandatory add-ons under State law. As a deterrent to violation, second and subsequent violations by the same offender of any provision of this Ordinance, whether violations of the same or different provisions of this Ordinance as the initial violation, and whether involving the same or different property, shall increase the fine owing. However, repeated citations for the same violation on a second and subsequent days shall not count as a subsequent violation, but shall rather be assessed at the same rate as the initial violation.

14.11 Records

The Zoning Department shall keep records of violators, whether corporate or individual, in order to determine when second or subsequent violations occur.